

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

**APPLICATION NO. A/NE-LYT/762**

<b><u>Applicant</u></b>	:	Main Plan Development Limited
<b><u>Site</u></b>	:	Lots 751 RP (Part), 753 RP (Part), 754 (Part), 757 (Part), 758 (Part), 759 (Part), 777 (Part) and 778 (Part) in D.D. 83, Lung Yeuk Tau, New Territories
<b><u>Site Area</u></b>	:	About 5,168 m <sup>2</sup>
<b><u>Lease</u></b>	:	<ul style="list-style-type: none"><li>- Block Government Lease (demised for agricultural use)</li><li>- Lots 751 RP, 757 &amp; 758 are covered by Modification of Tenancy (MOT) and/or Letter of Approval for temporary use</li></ul>
<b><u>Plan</u></b>	:	Draft Lung Yeuk Tau & Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/18
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	Proposed Temporary Research Centre for Green Buildings for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed temporary research centre for green buildings for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “AGR” on the draft Lung Yeuk Tau & Kwan Tei South OZP No. S/NE-LYT/18. According to the 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 is not provided for under the Notes of the OZP. The Site is covered by some trees and vegetation with some temporary abandoned structures.
- 1.2 According to the applicant, the proposed development comprises mainly three single-storey structures (building height of about 5-8 m) with a total floor area of about 3,200 m<sup>2</sup> for research, data collection and various trials of green features/indoor planting in support of the green building development (**Drawing A-1**). The remaining area will be mainly used for landscaping and internal circulation. Research works to be carried out in the development includes study on the artificial lighting, moisturising level and temperature conditions to various types of plants, different irrigation systems, new technologies for green building design, etc. A total of two parking spaces for private vehicles (2.5 m x 5 m)

and two loading/unloading spaces for light goods vehicles (3.5 m x 7 m) will be provided at the Site. The proposed ingress/egress will be via Dao Yang Road leading to Sha Tau Kok Road – Lung Yuek Tau (**Plan A-1**). The operation hours of the proposed development are from 9:00 a.m. to 6:00 p.m. daily excluding Sundays and public holidays. The proposed development will not open to the public, and there will be 12 workers on the Site. The proposed site layout and section plans submitted by the applicant are at **Drawings A-1 and A-2**.

1.3 The Site forms part of the subject of a previous application (No. A/NE-LYT/751) covering a larger area for the proposed temporary green design and plantation research centre for a period of 3 years submitted by the same applicant as the current application (**Plan A-1**). Details are set out in paragraph 4 below.

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

- |     |   |                        |
|-----|---|------------------------|
| (a) | Application Form with attachments received on 11.3.2022 | ( <b>Appendix I</b> )  |
| (b) | Supplementary Planning Statement                        | ( <b>Appendix Ia</b> ) |
| (c) | Supplementary Information received on 17.3.2022         | ( <b>Appendix Ib</b> ) |
| (d) | Further Information (FI) received on 14.4.2022          | ( <b>Appendix Ic</b> ) |
| (e) | FI received on 27.4.2022                                | ( <b>Appendix Id</b> ) |

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

The justifications put forth by the applicant in support of the application are detailed in Part 4 of the Supplementary Planning Statement and FI at **Appendices Ia to Id**. They can be summarised as follows:

- (a) the area involved under the current application is largely idle in the “AGR” zone which could be utilised for the proposed development in collecting data in relation to biodiversity capability for green building design. The temporary use is compatible with the adjoining land use;
- (b) the current application could echo with the vision of 2021 Policy Address on promoting carbon neutrality by 2050 as well as the 2022-2023 Budget on promoting green and low carbon development. This would require both the Government and private sector to work together to achieve carbon neutrality target;
- (c) the government development strategy for New Territories North is to set I&T development as priority. The idle agricultural land should be utilised for research purpose. Reaching on indoor planting in relation to the lighting, temperature conditions, irrigation and ventilation, etc. will be conducted in support of green building developments, which will be applied in commercial and residential developments;
- (d) the Site is in proximity to the proposed residential and commercial developments in Fanling North, Kwu Tung North and San Tin/Lok Ma Chau. The strategic location would benefit new developments to be implemented in those new development areas;
- (e) steel-frame structure would be used for the proposed development, which could be reverted to appropriate use after the temporary use; and

- (f) the proposed development will not create significant adverse visual, landscape, traffic and other environmental impacts on the surrounding areas.

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

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

### 4. **Previous Applications**

- 4.1 Part of the Site is the subject of two previous applications (No. A/NE-LYT/315 and 751). Application No. A/NE-LYT/315 for proposed temporary open storage of construction materials for a period of 18 months was rejected by the Rural and New Town Planning Committee (the Committee) on 23.12.2005 mainly on the grounds that the application did not comply with TPB Guidelines for Application for Open Storage and Port Back-up Uses in that no information had been submitted to demonstrate that the development would not generate adverse traffic, drainage and environmental impacts on the surrounding areas.
- 4.2 Application No. A/NE-LYT/751 covering a larger area for the proposed temporary green design and plantation research centre for a period of 3 years submitted by the same applicant as the current application was rejected by the Committee on 10.9.2021 mainly on the grounds that the proposed development is not in line with the planning intention of the “AGR” considering the majority of the site was currently used for crop production for local consumption. There is no strong justification in the submission for a departure from the planning intention and adverse landscape impact was anticipated on the surrounding area. Compared with the previous application, the current application has a smaller site area from 10,733 m<sup>2</sup> to 5,168 m<sup>2</sup> (-52%) mainly excluding part of the crop production area; a reduced floor area from 3,500 m<sup>2</sup> to 3,200 m<sup>2</sup> (-8.6%) and reduced number of major structures from 4 to 3 and parking / loading / unloading spaces from 5 to 4.
- 4.3 Details of the previous applications are summarized at **Appendix II** and the locations are shown on **Plan A-1**.

### 5. **Similar Application**

There is no similar application for proposed temporary research centre for green buildings within the “AGR” zone on the OZP.

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

#### 6.1 The Site is:

- (a) covered by some trees, vegetation and temporary abandoned structures; and
- (b) accessible from Sha Tau Kok Road – Lung Yeuk Tau via Dao Yang Road (**Plan A-1**).

6.2 The surrounding areas have the following characteristics:

- (a) to the immediate south and southwest are warehouses with approved planning application; and to the further south and southeast are active/fallow agricultural land intermixed with some temporary domestic structures; and
- (b) to the immediate north and west are fallow agricultural land intermixed with some temporary domestic structures, vacant land and open storage/vehicle repair workshop uses; and to the immediate northwest is Tung Chun soy sauce factory.

## **7. 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.

## **8. Comments from Relevant Government Departments**

- 8.1 Apart from the government departments as set out in paragraph 8.2 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III** and **IV** respectively.
- 8.2 The following government departments have objection to / reservation / comment on the application.

### **Agriculture**

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

- the Site is currently comprised of temporary structures and abandoned land. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view.

### **District Officer's Comments**

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

- he has consulted the locals regarding the application. The Chairman, the First Vice-Chairman and the Vice-Chairman of Fanling District Rural Committee object to the application. The Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of Ma Liu Shui

San Tsuen have no comment. Other consultees, including the IIR of Fu Tei Pai and the RR of Fu Tei Pai, the Chairman of Lung Shan Area Committee and the incumbent North District Councillor of N18 Constituency did not reply.

## **9. Public Comments Received During Statutory Publication Period (Appendix V)**

On 18.3.2022, the application was published for public inspection. During the statutory public inspection period, five public comments were received. The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. Three comments from the Chairman, the First Vice-Chairman and the Vice-Chairman of Fanling District Rural Committee object to the application mainly on the grounds of objections received from local villagers. The remaining comment from an individual expresses concerns on whether the proposal is a genuine research centre on green buildings and the potential landscape impact.

## **10. Planning Considerations and Assessments**

- 10.1 The application is for a proposed temporary research centre for green buildings for a period of 3 years in the “AGR” zone on the OZP. According to the applicant, the proposed development comprises mainly three single-storey structures with a total floor area of about 3,200 m<sup>2</sup> for research, data collection and various trials of green features/indoor planting in support of the green building development. The proposed development is generally not in line with the planning intention of the “AGR” zone as set out in paragraph 7 above. DAFC does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation. Nevertheless, given its temporary nature, it is considered that the approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “AGR” zone.
- 10.2 The Site is situated in an area of rural inland plains landscape character surrounded by temporary domestic structures, warehouse/open storage, scattered tree groups and agricultural land (**Plan A-2**). The proposed temporary development is not entirely incompatible with the surrounding environment. Having reviewed the FI submission, it is noted that the existing trees at the southwest and west would be preserved in-situ (**Drawing A-1**) while the undersized invasive and common trees are proposed to be felled (**Plan A-3**). Besides, the landscape area is proposed to be covered with grass, CTP/UD&L of PlanD has no objection to the application from landscaping planning perspective as significant adverse landscape impact arising from the proposed development is not anticipated. C for T, upon review of the FI submitted by the applicant, has no further comment on the application from the traffic engineering point of view. DEP has no objection to the application from environmental planning perspective. The applicant is reminded of his obligation to observe all environmental protection / pollution control ordinances, including but not limited to Water Pollution Control Ordinance; and follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. Other government departments consulted, including CE/MN of DSD, D of FS and CHE/NTE of HyD have no adverse comment on or no objection to the application.

- 10.3 The Site is the subject of a previous application (No. A/NE-LYT/751) covering for a larger area for a proposed similar use (i.e. temporary green design and plantation research centre) submitted by the same applicant. The application was rejected by the Committee in September 2021 mainly on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone as majority of the site was currently used for crop production for local consumption. There was no strong planning justification in the submission for a departure from the planning intention and adverse landscape impact was anticipated on the surrounding area. The site area of the current submission has been largely reduced by about 5,565 m<sup>2</sup> (-52%) to exclude crop production area as compared with the previous application and the landscape treatments including preserving the existing trees at the west and southwest of the Site and covering the landscape area with grass are proposed. Although the crop production area has been abandoned as revealed in a recent site inspection, the application is still not supported by DAFC as the Site possesses potential for agricultural rehabilitation. Considering its minimal impact in terms of environment and landscape on the surrounding areas, sympathetic consideration could be given to the current application.
- 10.4 Regarding the local objections conveyed by DO(N), HAD and adverse public comments as detailed in paragraphs 8.2.2 and 9 above respectively, the government departments’ comments and planning assessments above are relevant.

## **11. Planning Department’s Views**

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the local objections conveyed by DO(N), HAD and public comments mentioned in paragraphs 8.2.2 and 9 above respectively, the Planning Department considers that the temporary use under the application could be tolerated for a period of 3 years.
- 11.2 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 6.5.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:
- (a) no operation between 6:00 p.m. and 9:00 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 submission of drainage proposal, as proposed by the applicant, 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 6.11.2022;
  - (d) in relation to (c) 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 6.2.2023;
  - (e) the submission of proposals for fire service installations and water supplies for fire-fighting 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 6.11.2022;

- (f) in relation to (e) above, the implementation of proposals for fire service installations and water supplies for fire-fighting 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 6.2.2023;
- (g) if planning conditions (a) or (b) 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
- (h) if any of the above planning conditions (c), (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

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

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

#### Advisory Clauses

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

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 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 applicant.

## **13. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 11.3.2022
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	Supplementary Information received on 17.3.2022
<b>Appendix Ic</b>	FI received on 14.4.2022
<b>Appendix Id</b>	FI received on 27.4.2022
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses

<b>Appendix V</b>	Public Comments
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	Proposed Section 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 to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2022**