

RNTPC Paper No. A/YL-KTN/980B
For Consideration by
the Rural and New Town
Planning Committee
on 20.9.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/980

- Applicant** : Greenland Resources Limited represented by R-riches Property Consultants Limited
- Site** : Lots 20 S.A, 20 S.B (Part), 30 (Part), 31 (Part), 32 RP (Part), 67 (Part) and 68 (Part) in D.D.109 and Adjoining Government Land (GL), Kam Tin, Yuen Long, New Territories
- Site Area** : About 5,087m² (including GL of about 52m² (about 1%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan No. S/YL-KTN/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Site Office for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary site office with for a period of three years and associated filling of land at the application site (the Site), which falls within an area zoned “AGR” on the approved Kam Tin North OZP No. S/YL-KTN/11 (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is partly paved and vacant, and partly erected with canvas structures for permitted plant nursery use (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Chi Ho Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the proposed use involves eight single-storey structures with a height of about 2.8m and a total floor area of about 120m² for site office, washroom and storage. The remaining open area of the Site will be mainly used for permitted agricultural use (about 2,807m² or 55% of the Site), storage of fertiliser, and vehicular parking, loading/unloading and circulation

spaces (**Drawing A-1**). Four private car parking spaces and one loading/unloading space for light goods vehicle will be provided within the Site. The proposed temporary office use is for supporting both the on-site agricultural operations and other agricultural/landscape projects outside the Site for a landscape company. The applicant also applies for regularisation of filling of land with concrete for about 1,092m² (or 21%) of the Site with a depth of not more than 0.2m (to about +4.6mPD) for site formation and vehicular circulation (**Drawing A-2**). The proposed operation hours are from 9:00 a.m. to 6:00 p.m. daily, including public holidays. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

- (a) Application form with attachments received on 17.1.2024 (**Appendix I**)
- (b) Further Information (FI) received on 19.4.2024* (**Appendix Ia**)
- (c) FI received on 14.5.2024* (**Appendix Ib**)
- (d) FI received on 22.7.2024* (**Appendix Ic**)
- (e) FI received on 7.8.2024* (**Appendix Id**)

**accepted and exempted from publication and recounting requirements*

1.4 On 15.3.2024 and 7.6.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form and FIs in **Appendices I to Id** and can be summarised as follows:

- (a) The proposed use is intended to provide agricultural/landscape services in Kam Tin, including plant and tree nursery, hydroseeding, landscape softworks maintenance, landscape surveys and specialised tree works. The temporary office will provide indoor workspace for administrative tasks related to the agricultural/landscape operations and projects both within and outside the Site. The majority of the Site is used for agricultural purpose and the filling of land has been kept to a minimum for meeting operation needs. Approving the application on a temporary basis would not jeopardise the long-term planning intention of the “AGR” zone. The applicant undertakes to reinstate the Site to an amenity area upon expiry of the temporary approval.
- (b) No medium or heavy goods vehicle would be allowed to exit/enter or to be parked/stored at the Site. The traffic generated by the proposed use is

anticipated to be minimal. Two existing trees at the Site would be preserved in-situ and maintained by the applicant. The applicant will follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise all possible environmental impacts on any nearby sensitive receivers.

- (c) The applicant will apply for short term waiver (STW) and short term tenancy (STT) with the Lands Department for the proposed use.

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

The applicant is not a ‘current land owner’ of the private land portion of the Site but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending registered mail to the Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the ‘Owner’s Consent/Notification’ Requirements are not applicable.

4. Background

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

5. Previous Application

There is no previous application at the Site.

6. Similar Application

There is no similar application for temporary site office within the same “AGR” zone in the vicinity of the Site in the past five years.

7. The Site and Its Surrounding Areas (Plans A-2 to A-4)

7.1 The Site is:

- (a) partly paved and vacant, and partly erected with canvas structures for permitted plant nursery use; and
- (b) accessible to Chi Ho Road via local tracks.

- 7.2 The surrounding areas are rural in character with an intermix of residential structures, plant nursery, parking of vehicles (with valid planning permission under application No. A/YL-KTN/816), holiday camps, and vacant land. To the further east of the Site across Shui Tau Road are the village settlements of Pak Wai Tsuen and Shui Tau Tsuen.

8. Planning Intention

- 8.1 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.
- 8.2 According to the Explanatory Statement of the OZP for “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from 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 in **Appendices II** and **III** respectively.
- 9.2. The following government department does not support the application:

Agriculture and Nature Conservation

- 9.2.1. Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):
- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
 - (b) the Site falls within the “AGR” zone and is generally vacant. 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.; and
 - (c) no comment from nature conservation perspective.

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

On 26.1.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received from Kadoorie Farm & Botanic Garden Corporation (KFBGC) and an individual. KFBGC raises concerns on whether enforcement action is involved at the Site; and whether the proposed use is in line with the planning intention. The individual objects to the application mainly on the grounds that the Site is to accommodate brownfield operation and its approval would be a 'reward' to the 'destroy to build' activities.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary site office for a period of three years and associated filling of land at the Site zoned "AGR" (**Plan A-1**). The planning intention of the "AGR" zone 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. While the proposed use is not entirely in line with the planning intention of the "AGR" zone and DAFC does not support the application from agricultural perspective, according to the applicant, the proposed use is intended for supporting both on-site agricultural operations and off-site agricultural/landscape projects in the Kam Tin area and the Site involves about 2,807m² (55% of the site area) for permitted agricultural use. Taking into account the planning assessments below, the proposed use on a temporary basis of three years could be tolerated.
- 11.2 Filling of land within the "AGR" zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department and Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively. An approval condition requiring reinstatement of the Site upon expiry of the planning permission is recommended should the Committee decide to approve the application.
- 11.3 The Site is partly vacant and partly erected with canvas structures for permitted plant nursery use. The proposed use is considered not incompatible with the surrounding land uses which are rural in character with an intermix of residential structures, plant nurseries, parking of vehicles and holiday camps. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that significant adverse landscape impact arising from the proposed use is not anticipated and has no objection to the application from landscape planning perspective.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services, have no objection to or no adverse

comment on the application. To address the technical requirements of the concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas.

- 11.5 Regarding the public comments mentioned in paragraph 10, the departmental 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 proposed use 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 20.9.2027. 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 20.3.2025;
- (b) in relation to (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 20.6.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.11.2024;
- (e) 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 20.3.2025;
- (f) in relation to (e) 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 20.6.2025;

- (g) 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;
- (h) if any of the above planning condition (a), (b), (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; and
- (i) 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 III**.

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

the proposed use with filling of land 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 given 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

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| Appendix I | Application form with attachments received on 17.1.2024 |
| Appendix Ia | FI received on 19.4.2024 |
| Appendix Ib | FI received on 14.5.2024 |
| Appendix Ic | FI received on 22.7.2024 |
| Appendix Id | FI received on 7.8.2024 |
| Appendix II | Government departments' general comments |
| Appendix III | Recommended advisory clauses |
| Appendix IV | Public comments |
| Appendix V | Fire Services Department's good practice guidelines for open storage sites |
| Drawing A-1 | Site layout plan |
| Drawing A-2 | Land filling plan |
| Plan A-1 | Location plan |
| Plan A-2 | Site plan |
| Plan A-3 | Aerial photo |
| Plan A-4 | Site photos |

**PLANNING DEPARTMENT
SEPTEMBER 2024**