

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/926

<u>Applicant</u>	:	The Pat Heung Vegetable Marketing and Credit Co-Operative Society Limited
<u>Site</u>	:	Lot 365 S.A in D.D. 106, Shek Wu Tong Tsuen, Kam Sheung Road, Yuen Long
<u>Site Area</u>	:	About 94 m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/15
<u>Zoning</u>	:	“Village Type Development” (“V”) [maximum building height of 3 storeys (8.23m)]
<u>Application</u>	:	Temporary Vegetable Collection Station 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 vegetable collection station for a period of 3 years. The Site is zoned “V” on the Kam Tin South OZP and the applied use is neither a Column 1 nor Column 2 use in the “V” zone. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for the applied use without planning permission (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, there is a non-domestic single-storey structure at the Site with a total floor area of about 58.46m² and a building height of about 3.8m for vegetable collection point (under a rain shelter), site office and storage of baskets. The operation hours of the vegetation collection station are between 7:00 a.m. and 12:00 noon daily (including public holidays). In terms of operation, vegetables will be collected at the Site and delivered to the wholesale vegetable market in Cheung Sha Wan by light goods vehicle. One light goods vehicle loading/unloading space cum parking space is provided within the Site. The Site is accessible to Kam Sheung Road via Shek Tin Road. The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is involved in seven previous planning applications (detailed in paragraph 5 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with supplementary information (**Appendix I**) received on 26.5.2022
 - (b) Further information (FI) received on 8.7.2022 (**Appendix Ia**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary information and FI in **Appendices I** and **Ia**. They can be summarized as follows:

- (a) The applicant's Co-operative Society was established in 1962 which serves the local farmers by collecting and delivering their vegetables for sale and providing them with fertilizers and pesticides. The development can help support the living of farmers and provide good quality vegetables to the public. The Co-operative Society is a non-profit making organization and one of the 26 co-operative societies under the supervision of the Agriculture, Fisheries and Conservation Department.
- (b) The development has not caused environmental pollution or nuisances to the nearby residents over the years. Adverse traffic impact is not anticipated.
- (c) The applicant stated that he has complied with all the approval conditions stipulated by the Rural and New Town Planning Committee (the Committee) for the latest application No. A/YL-KTS/817. Nevertheless, he did not submit an application to the Board for renewal of the temporary planning approval in time due to delay in mailing services under the COVID-19 pandemic.

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

The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is not subject to any planning enforcement action.

5. **Previous Applications**

- 5.1 The Site, in part or in whole, is the subject of seven previous applications (No. A/DPA/YL-KTS/89, and A/YL-KTS/165, 177, 386, 568, 671 and 817). The former three applications for proposed restaurant; storage and workshop of vehicles; and temporary open storage of construction materials respectively, are not relevant to this application which is for temporary vegetable collection station use. The remaining four applications for the same temporary vegetable collection station use and/or renewal of the planning approval granted by the Committee are submitted by the same applicant as the current application. All the four applications (No. A/YL-KTS/386, 568, 671 and 817) were approved with conditions by the Committee between October 2006 and March 2019 mainly on the grounds that approval of the applications on a temporary basis would not frustrate the long-term planning intention; the developments were not incompatible with the surrounding land uses; the technical concerns of relevant departments could be addressed by appropriate approval conditions; and / or relevant departments in general had no objection. Nevertheless, the planning permission of Application No. A/YL-KTS/671 was revoked in March 2016 owing to non-compliance with approval conditions.
- 5.2 Compared with the last Application No. A/YL-KTS/817, the current application is submitted by the same applicant and is the same in terms of applied use, site area / boundary, layout and major development parameters. All the approval conditions are complied with and the planning permission lapsed on 23.3.2022.
- 5.3 Details of these applications are summarized in **Appendix II** and the locations are shown on **Plan A-1b**.

6. **Similar Application**

There is no similar application for temporary vegetation collection station within the same “V” zone in the vicinity of the Site on the OZP.

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

- 7.1 The Site is:
- (a) currently used for the applied use without planning permission; and
 - (b) accessible to Kam Sheung Road via Shek Tin Road.
- 7.2 The surrounding areas have the following characteristics:
- (a) the Site falls within the village cluster of Shek Wu Tong and is surrounded by residential structures/dwellings, some of which with shop and services uses on the ground floor, intermixed with scattered parking of vehicles, open storage/storage yards and workshops;

- (b) to the further north and east, across Kam Sheung Road, are village houses, a car repair workshop, parking of vehicles and open storage yards; and
- (c) to the northwest along Kam Sheung Road are open storage/storage yards, workshops and parking of vehicles.

8. Planning Intention

The planning intention of the “V” is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on ground floor of a New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Departments

The 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 Comment Received During Statutory Publication Period

The application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for a temporary vegetable collection station for period of 3 years in “V” zone. The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board. The applied use is not entirely in line with the planning intention of the “V” zone. Nevertheless, it could serve the local farmers and DLO/YL of LandsD advises that there is no Small House

application approved or under processing at the Site. It is considered that approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “V” zone.

- 11.2 The Site falls within the village cluster of Shek Wu Tong. The applied use is considered not incompatible with the surrounding rural land uses which are predominated by residential developments/dwellings, some of them with shop and services uses on the ground floor, intermixed with some other uses, including car repair workshops, open storage/storage yards and parking of vehicles.
- 11.3 Relevant government departments consulted, including DEP, C for T, CE/MN of DSD and D of FS, have no adverse comment on the application. In view of its nature and small scale of the operation, the development is not expected to cause any significant adverse traffic, environmental and drainage impacts to the surrounding areas. To minimize the possible environmental nuisances generated by the development and address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Uses” issued by DEP.
- 11.4 The Site is the subject of four previous applications (No. A/YL-KTS/386, 568, 671 and 817) approved by the Committee between October 2006 and March 2019 for the same applied use and submitted by the same applicant as the current application. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 No public comment was received during the statutory publication period.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department considers that the temporary vegetable collection station 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 15.7.2025. The following approval conditions and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 12:00 noon and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period;

- (c) 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 15.1.2023;
- (d) if any of the above planning condition (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
- (e) if the above planning condition (c) 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 in **Appendix IV**.

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

the development is not in line with the planning intention of the "V" zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been 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

Appendix I Application form with supplementary information received on 26.5.2022

Appendix Ia FI received on 8.7.2022

Appendix II	Previous applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Site layout plan
Plan A-1a	Location plan
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and A-4b	Site photos

**PLANNING DEPARTMENT
JULY 2022**