

RNTPC Paper No. A/YL-MP/380
For Consideration by
the Rural and New Town
Planning Committee
on 20.12.2024

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-MP/380

<u>Applicant</u>	: New Market Development Limited
<u>Site</u>	: Lot 47 RP (Part) in D.D. 101, Mai Po, Yuen Long
<u>Site Area</u>	: About 11,530m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Mai Po & Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/8
<u>Zoning</u>	: “Other Specified Uses” annotated “Wetland Conservation Park” (“OU(WCP)”)
<u>Application</u>	: Renewal of Planning Approval for Temporary Agricultural Use (Farming) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission for temporary agricultural use (farming) for a period of three years at the application site (the Site), which falls within an area zoned “OU(WCP)” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-MP/322 until 1.2.2025 (**Plans A-1, A-2 and A-4**).
- 1.2 The Site is accessible from Mai Po Road via a local track (**Plan A-2**). According to the applicant, the applied use, which involves mainly open field cultivation, includes four single-storey structures with heights of not exceeding 2.6m and a total floor area of about 46.56m². Three of the structures are used for caretaker’s

room, germination and storage while the remaining one is for portable toilet. Majority part of the Site is used for farming area. The 5m-wide setback and 4m-wide landscape screening along the periphery of the Site will be maintained (**Drawing A-1**). The farm is not open to the general public and is only used by the company's staff members only. Shuttle bus service is provided for picking up/dropping off staff members as well as their families to/from the Kam Sheung Road MTR station. The operation hours are from 8 a.m. to 6 p.m. daily, including public holidays.

- 1.3 The Site, in part or in whole, is the subject of five previous applications (details at paragraph 6 below). The last application (No. A/YL-MP/322) submitted by the same applicant for the same use at the same site with the same layout and major development parameters for a period of three years was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 14.1.2022. All the time-limited approval conditions have been complied with.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form and Supplementary Information (**Appendix I**) (SI) received on 31.10.2024 and 1.11.2024 respectively
 - (b) Further Information (FI) received on 18.12.2024[#] (**Appendix Ia**)
[#]accepted and exempted from the publication and recounting requirements

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) The application is for renewal of the planning approval granted by the Committee and the applicant has complied with all the approval conditions.
- (b) The farm only involves mainly open field cultivation with minimal works. The operation mode, relevant management and traffic arrangement of the applied use under the current application will remain the same as the previously approved application. Drainage and fire services installation facilities are already in place.
- (c) The agricultural use is well-blended in with its surrounding environment. Being situated between the village houses and the Mai Po Floodwater Pumping Station, the Site can be fully utilised for agricultural and educational uses. Trees on site are well preserved and maintained.

- (d) It is noted that the Site is located within the proposed Sam Po Shue Wetland Conservation Park (SPS WCP). Farm operations will be terminated and the Site will be cleared upon request from the government.

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. Town Planning Board Guidelines

- 4.1 According to the Town Planning Board Guidelines for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C), the Site falls within the Wetland Buffer Area (WBA) and the relevant extract of which is at **Appendix II**.
- 4.2 The Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are also relevant to this application and the relevant extract of which is at **Appendix III**.

5. Background

- 5.1 The Site is not subject to any active planning enforcement action.
- 5.2 The Site, together with the adjoining areas in Mai Po, was zoned “Conservation Area” (“CA”) on the first Mai Po & Fairview Park OZP No. S/YL-MP/1 gazetted on 3.6.1994. This “CA” zone has remained unchanged until majority of the area, including the Site, was rezoned to “OU(WCP)” on the then draft Mai Po & Fairview Park OZP No. S/YL-MP/7 gazetted on 8.3.2024. The entire “OU(WCP)” zone, which covers a total area of about 348 hectares, is intended primarily for the development of a wetland conservation park (i.e. the proposed SPS WCP) by the government to conserve the wetlands with ecological/conservation values and safeguard the integrity of the wetland system.

6. Previous Applications

- 6.1 The Site, in part or in whole, is the subject of five previous applications (No. A/DPA/YL-MP/12 and 31 and A/YL-MP/252, 277 and 322). Details of the previous applications are summarised in **Appendix IV** and their locations are shown on **Plan A-1**.

- 6.2 The Site was involved in two previous applications No. A/DPA/YL-MP/12 and 31 for proposed residential developments which are not relevant to the current application due to different use involved.
- 6.3 Applications No. A/YL-MP/252 (with a smaller site area), 277 and 322 submitted by the same applicant for the same applied use, each for a period three years, were approved with conditions by the Committee between 2017 and 2022 mainly on the considerations that the proposed use was not entirely in conflict with the planning intention of “CA” zone¹; the proposed use was not incompatible with surrounding areas; relevant government departments had no adverse comment and/or the concerns of relevant departments could be addressed by approval conditions; and there were no changes in planning circumstances.
- 6.4 Compared with the last application No. A/YL-MP/322, the current application is submitted by the same applicant for the same use at the same site with the same layout and major development parameters. All time-limited approval conditions have been complied with and the planning permission is valid until 1.2.2025.

7. Similar Application

There is no similar application within the “OU(WCP)” zone on the OZP.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4)

- 8.1 The Site is:
- (a) occupied by the applied use with valid planning permission under application No. A/YL-MP/322 until 1.2.2025;
 - (b) accessible from Mai Po Road via a local track; and
 - (c) located within the WBA of Deep Bay Area and the proposed SPS WCP.
- 8.2 The surrounding areas are rural in character predominated by residential dwellings, ponds, grassland, a pumping station, a vehicle repair workshop and vacant land.

¹ The Site fell within the “CA” zone on the then approved Mai Po and Fairview Park OZP No. S/YL-MP/6 at the time of consideration of these three similar applications by the Committee.

9. **Planning Intention**

The planning intention of the “OU(WCP)” zone is primarily for the development of a wetland conservation park by the government to conserve the wetlands with ecological/conservation values and safeguard the integrity of the wetland system; compensate for the impact on ecological and fisheries resources arising from the development of the San Tin/Lok Ma Chau (STLMC) area of the San Tin Technopole (the Technopole), thereby achieving ‘co-existence of development and conservation’; provide eco-education and eco-recreation facilities for the public; and promote scientific research on aquaculture and develop modernized aquaculture industry.

10. **Comments from Relevant Government Departments**

10.1 Apart from the government departments as set out in paragraph 10.2 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 V and VI** respectively.

10.2 The following government departments have specific comments on the application:

Agriculture, Nature Conservation and Wetland Conservation Parks (WCPs) System

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

- (a) no comment on the application from agricultural and nature conservation perspectives;
- (b) no comment on the application from WCPs system perspective as the application involves small scale local work that does not have much relevance to the implementation and/or future management of the proposed SPS WCP; and
- (c) advisory comments are detailed in **Appendix VI**.

Project Implementation

10.2.2 Comments of the Project Manager/North, Civil Engineering and Development Department (PM/N of CEDD):

- (a) it is noted that the proposed application on a three year basis is located within the proposed SPS WCP. The Investigation Study

for SPS WCP already commenced on 27 September 2024 for completion in 24 months. While the implementation programme of SPS WCP will be formulated under the Investigation Study, the site formation works will likely commence soon after the completion of detailed design in next stage; and

(b) advisory comments are detailed in **Appendix VI**.

11. Public Comment Received During Statutory Publication Period

On 8.11.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of the planning permission for temporary agricultural use (farming) for a period of three years at the Site zoned “OU(WCP)” on the OZP (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “OU(WCP)” zone, the applicant claims that the farm involves mainly open field cultivation with minimal works. DAFC has no comment on the application from agricultural, nature conservation and the WCPs System perspectives as the applied use on a small scale does not have much relevance to the implementation and/or future management of the proposed SPS WCP. CEDD has no adverse comment on the application from project implementation perspective. In view of the above and the planning assessments below, approval of the application on a temporary basis for a period of three years could be tolerated.
- 12.2 The applied use is considered not incompatible with the surrounding areas which are rural in character predominated by residential dwellings, ponds, grassland, a pumping station, a vehicle repair workshop and vacant land (**Plans A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application as significant adverse landscape impacts arising from the applied use is not anticipated.
- 12.3 The Site falls within the WBA in Deep Bay Area under TPB PG-No. 12C, which specifies that planning applications for temporary uses are exempted from the requirement of ecological impact assessment. DAFC has no comment on the application from nature conservation perspective.
- 12.4 While the Site has been rezoned from “CA” to “OU(WCP)” on the OZP, there has been no material change in the planning circumstances, the site condition and the surrounding land uses since the granting of the previous approval. The

renewal application is considered generally in line with the TPB PG-No. 34D in that there has been no material change in planning circumstances since the previous temporary approval was granted; there is no adverse planning implication arising from the renewal application is anticipated; all the time-limited approval conditions under the last application had been complied with; and the three-year approval period sought which is the same timeframe as the previous approval is reasonable.

- 12.5 Other relevant departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of the concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.6 Given that three previous applications for the same applied use at the Site have been approved by the Committee between 2017 and 2022, approving the current application is in line with the Committee's previous decisions.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above, PlanD considers that the applied use could be tolerated for a further period of three years.
- 13.2 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 and be renewed from 2.2.2025 until 1.2.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 2.8.2025;
- (b) in relation to (a) above, the implementation of the fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 2.11.2025;
- (c) the existing drainage facilities shall be maintained at all times during the planning approval period;

- (d) the submission of a record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or the Town Planning Board by 2.5.2025;
- (e) 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
- (f) if any the above planning condition (a), (b) or (d) is not complied with by the above 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 VI**.

- 13.3 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 "OU(WCP)" zone, which is primarily for the development of a wetland conservation park by the government to conserve the wetlands with ecological/conservation values and safeguard the integrity of the wetland system; to compensate for the impact on ecological and fisheries resources arising from the development of the STLMC area of the Technopole, thereby achieving 'co-existence of development and conservation'; to provide eco-education and eco-recreation facilities for the public; and to promote scientific research on aquaculture and develop modernized aquaculture industry. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for the renewal of the planning permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form and SI received on 31.10.2024 and 1.11.2024 respectively
Appendix Ia	FI received on 18.12.2024
Appendix II	Relevant extract of TPB PG-No. 12C
Appendix III	Relevant extract of TPB PG-No. 34D
Appendix IV	Previous applications
Appendix V	Government departments' general comments
Appendix VI	Recommended advisory clauses
Drawing A-1	Master Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2024**