

RNTPC Paper No. A/YL-NSW/294
For Consideration by
the Rural and New Town
Planning Committee
on 24.12.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/294

<u>Applicant</u>	: Mr. LAU Chi Wing represented by Miss WAI Siu Yiu
<u>Site</u>	: Lots 614 RP, 615 RP, 616 RP, 617 RP, 618 (Part), 619 and 620 RP (Part) in D.D. 115 and Adjoining Government Land (GL), Nam Sang Wai, Yuen Long
<u>Site Area</u>	: About 2,900 m ² (including GL of about 98 m ² (about 3%))
<u>Land Status</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
<u>Zoning</u>	: “Undetermined” (“U”)
<u>Application</u>	: Proposed Temporary Agricultural Use (Farming with Ancillary Store Rooms and Staff Rest Rooms) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary agricultural use (farming with ancillary store rooms and staff rest rooms) for a period of 3 years. The Site falls within an area zoned “U” on the approved Nam Sang Wai OZP No. S/YL-NSW/8 (**Plan A-1**). According to the covering Notes of the OZP, any use or development in the “U” zone, except those specified as always permitted under the covering Notes, requires planning permission from the Town Planning Board (the Board). The Site is currently fenced off and vacant.
- 1.2 According to the layout plan (**Drawing A-1**) submitted by the applicant, the ingress/egress to the Site is located at the western part of the Site, which is accessible from Long Fai Road. The development comprises 8 single-storey structures (not exceeding 3m in height with a gross floor area of 144m²), including 2 structures for staff rest rooms and 6 structures for store rooms, and planting stands (30 rows in total, 50m in length and 1m in height for each row, with 1 m gap between each row). One light goods vehicle parking spaces (3m x 7m) is provided at the Site.

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

- (a) Application form received on 4.11.2021 **(Appendix I)**
- (b) Further information (FI) received on 17.12.2021 **(Appendix Ia)**
providing responses to departmental comments*

Remarks: * accepted and exempted from publication and recounting requirements.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendix I and Ia**. They can be summarised as follows:

- (a) The land is currently vacant. The proposed agriculture use could utilise the land to yield crops that are suitable for the local environment and for local market only.
- (b) Planting pots will be placed on the planting stands which are erected for cultivation of strawberries. Automatic irrigation will be adopted.
- (c) The Site is not open to public.

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

The applicant is not the “current land owner” of the Site and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/ Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining consent from the current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

- 4.1 The Site falls within the “U” zone (26.3 ha) south of the Yuen Long Highway (**Plan A-1**) and has been zoned “U” on the draft Nam Sang Wai OZP No. S/YL-NSW/1 since 3.6.1994. It was so designated as several major transport and drainage projects, including Yuen Long Highway, MTR West Rail (which is currently known as Tuen Ma Line (TML)) and Yuen Long Bypass Floodway (YLBF), which were under planning at that time, would traverse the area.
- 4.2 Following the completion of the infrastructure projects of Yuen Long Highway, MTR West Rail and YLBF, and upon preliminary review, the subject “U” zone is considered to have potential for housing developments and other uses. According to the 2017 Policy Address, the subject “U” zone is one of the potential sites for public housing development in the short to medium term. The detailed land use proposal and appropriate development parameters are being examined under the “Agreement No. CE 55/2020 (CE) – Site Formation and Infrastructure Works for Housing Developments at Tung Shing Lei, Au Tau, Kam Tin and Yuen Long Tai Yuk Road, Yuen Long – Feasibility Study” (the Study) undertaken by the Civil

Engineering and Development Department (CEDD), which was commenced in March 2021.

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

5. **Previous Application**

There is no previous application covering the Site.

6. **Similar Application**

There is one application (No. A/YL-NSW/291) for temporary agricultural use (green houses) with ancillary store rooms and rest rooms within the subject “U” zone on the OZP. The applicant was approved with conditions by the Rural and New Town Planning Committee (the Committee) for a period of 3 years on 10.9.2021 for reasons that the proposed temporary use would not jeopardise the long term land use planning for the area; were not incompatible with the surrounding uses; and had no adverse comments from government departments on the applications. Details of the application are summarised at **Appendix II**.

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

7.1 The Site is:

- (a) accessible from Long Fai Road to its west (**Plan A-2**); and
- (b) currently fenced off and vacant.

7.2 The surrounding areas have the following characteristics:

- (a) to its north and west are Long Fai Road and YLBF. Further northwest across YLBF is a pond;
- (b) to its northeast is the temporary agriculture use under Application No. A/YL-NSW/291;
- (c) to its east are scattered residential dwellings, storage use, agricultural land, vacant land, grass land and pond; and
- (d) to its immediate south are MTR TML flyover and Long Shing Road. Further south are scattered residential dwellings, temple, vehicle park and vacant land.

8. **Planning Intention**

The “U” zone is subject to impacts from Castle Peak Road, Yuen Long Highway, TML

and YLBF. Under the “U” zone, any developments or redevelopments require planning permission from the Board so as to ensure the environment would not be adversely affected and that infrastructure, GIC facilities, and open space are adequately provided. The proposed development should also take into account the TML and YLBF. To realise a built-form which represents a transition from Yuen Long New Town to the rural area, the development intensity should take into account the urban type developments immediately to the west of the “U” zone and the rural characteristics of the area to its north. Development within the areas has to be comprehensively planned as piecemeal development or redevelopment would have the effect of degrading the environment and thus jeopardising the long-term planning intention of the areas.

9. Comments from Relevant Government Departments

- 9.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD):

- (a) The Site comprises GL and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) No permission has been given for occupation of GL (about 98m² subject to verification) included in the Site. Any occupation of GL without Government’s prior approval is not allowed.
- (c) Should planning approval be given to the application, the lot owners will need to apply to his office to permit the structures to be erected or regularise any irregularities on Site, if any. Besides, given the applied use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Furthermore, the applicant has to exclude the GL portion from the application site or apply to this office for a Short Term Tenancy to occupy the GL. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.

Traffic

- 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The Site is connected to the public road network via a section of local access which is not managed by the Transport Department (TD). The land status of the local access should be checked with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) He has no comment on the application from traffic engineering perspective. Should the application be approved, no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The proposed access arrangement of the Site from Long Fai Road should be approved by TD.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Long Fai Road.
- (c) If the proposed run-in is agreed by TD, the applicant should provide the run in/out at Long Fai Road to the satisfaction of TD and HyD and in accordance with the latest version of Highways Standards Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the adjacent pavement.
- (d) If the proposed access point at Long Fai Road is approved by TD, the applicant should submit the details of road mitigation works, including modification of street furniture and road drainage, at Long Fai Road for TD and HyD review. No modification works should be implemented unless approval on the modification proposal was obtained from TD and HyD.
- (e) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

9.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD (CE/RD 2-2, RDO, HyD):

The Site falls within the Railway Protection Zone of existing TML. As the operation of existing railway network is not under the jurisdiction of this office, he has no comment on the proposal.

Environment

9.1.5 Comments of the Director of Environmental Protection (DEP):

The applicant is advised to follow the environmental mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP) issued by DEP.

Landscape

9.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) She has no objection to the application from the landscape planning perspective.
- (b) With reference to the aerial photo, the Site is situated in an area of rural fringe landscape character comprising of village houses, temporary structures, carparks, tree groups, ponds, vegetated fields and vacant lands in the vicinity. The proposed use is not incompatible with the surrounding environment.
- (c) With reference to the site photos, the Site is vacant with self-seeded vegetation and common tree species in poor to fair condition at the periphery of the Site. Significant adverse landscape impact within the Site arising from the development is not anticipated.
- (d) Since the Site is surrounded by existing trees as buffer planting and it is not abutting prominent public frontage, it is considered not necessary to impose a landscape condition should the Board approve the subject application. His advisory comment to the applicant are at **Appendix IV**.

Nature Conservation

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

The Site falls within the “Undetermined” zone and is currently abandoned. Given that agricultural activities are involved in the proposed use, he has no comment on the application.

Drainage

9.1.8 Comments of the Chief Engineer/Mainland North, DSD (CE/MN, DSD):

- (a) He has no objection in principle to the development from the public drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, conditions should be stipulated in the approval letter requiring (i) the submission of a drainage proposal;

and (ii) the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board.

- (c) There is no public sewer connection available in the vicinity. The applicant shall seek views and comments from DEP regarding the sewage disposal arrangement of the development.

Fire Safety

9.1.9 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should also be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if any proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

9.1.10 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) Before any new building works (including containers/ open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained. Otherwise they are unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO.

(c) His detailed comments are at **Appendix IV**.

9.2 The following government departments have no objection to or no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Commissioner of Police;
- (c) Project Manager (West), CEDD;
- (d) Head of Geotechnical Engineering Office, CEDD;
- (e) Head of Civil Engineering Office, CEDD; and
- (f) District Officer (Yuen Long), Home Affairs Department.

10. Public Comment Received During Statutory Publication Period

On 12.11.2021, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period which ended on 3.12.2021, one public comment was received from Kadoorie Farm and Botanic Garden Corporation (**Appendix III**) raising concern on a watercourse shown on plan.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary agricultural use (farming with ancillary store rooms and staff rest rooms) in the “U” zone which was so designated as several major transport and drainage projects, which were under planning at that time, would traverse the area. The above infrastructure projects have been completed. The subject “U” zone has been identified in the 2017 Policy Address with potential for housing development. The detailed land use proposal and appropriate development parameters for the “U” zone are subject to further study. As the long term use of the “U” zone is subject to study, approval of the proposed temporary use for a period of 3 years would not jeopardise the long term land use planning for the area.
- 11.2 The applied agricultural use is not incompatible with the surrounding land uses and the urban fringe landscape character comprising residential dwellings, ponds and drainage channel.
- 11.3 The development would unlikely cause significant adverse traffic, environmental, drainage, fire safety and landscape impacts on the area. There are no adverse comments from the concerned departments including C for T, DEP, CE/MN of DSD, D of FS and CTP/UD&L of PlanD. Should the application be approved, approval conditions on traffic, drainage and fire safety requirements are recommended in paragraphs 12.2 below. The applicant will also be advised to follow the relevant mitigation measures and requirements in the latest COP to minimise any potential environmental impacts.
- 11.4 The Committee approved one application for similar temporary agricultural use within the same “U” zone on the OZP detailed in paragraph 6 above. Approval of

the current application is in line with the previous decisions of the Committee.

- 11.5 For the public comment regarding the watercourse within the Site, relevant approval conditions on submission and implementation of drainage proposal is recommended correspondingly. DAFC and DEP have no comment on the concerned watercourse within the Site.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, the Planning Department has no objection to the application.
- 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 24.12.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (b) the submission of run-in/ out proposal for the development within **6** months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 24.6.2022;
- (c) in relation to (b) above, the provision of the run-in/out for the development within **9** months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or the Town Planning Board by 24.9.2022;
- (d) the submission of 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 24.6.2022;
- (e) in relation to (d) above, the implementation of 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 24.9.2022;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of 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 24.6.2022;
- (h) in relation to (g) above, the implementation of 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 24.9.2022;

- (i) if any of the above planning conditions (a) or (f) 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
- (j) if any of the above planning conditions (b), (c), (d), (e), (g) or (h) 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 at **Appendix IV**.

12.3 There is no apparent reason to reject the application.

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 received on 4.11.2021
Appendix Ia	FI received on 17.12.2021
Appendix II	Similar Application
Appendix III	Public comment
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2021**