

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

APPLICATION NO. A/YL-NSW/333

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| <u>Applicant</u> | : | Mr. CHEUNG Chun Yiu represented by Miss WAI Siu Yiu |
| <u>Site</u> | : | Lots 605 S.C (Part), 605 RP (Part), 606 RP (Part), 607 RP in D.D. 115, Nam Sang Wai, Yuen Long |
| <u>Site Area</u> | : | About 2,570 m ² |
| <u>Lease</u> | : | Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : | Draft Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/9 (currently in force) Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8 (at the time of submission) |
| <u>Zoning</u> | : | “Undetermined” (“U”) |
| <u>Application</u> | : | Renewal of Planning Approval for Temporary Agricultural Use (Green Houses) with Ancillary Store Rooms and Rest Rooms for a Period of Three Years |

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission for temporary agricultural use (green houses) with ancillary store rooms and rest rooms for a period of three years at the application site (the Site) (**Plan A-1**). According to the covering Notes of the OZP, all uses or developments in the “U” zone, except those specified as always permitted under the covering Notes, require 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-NSW/291 until 10.9.2024 (**Plans A-1 to A-4b**).
- 1.2 The Site is accessible from Yuen Long Tung Shing Lei Road via a local track to its east (**Plans A-1 to A-3**). According to the applicant, the applied use involves 12 non-domestic single-storey structures with building heights of not more than 4.5m and a total floor area of about 851m², including two structures for greenhouse, eight structures for store rooms and two structures for rest rooms. Two light goods vehicle parking spaces (3m x 5m) are provided within the Site. The operation hours

are from 6:00 a.m. to 7:00 p.m. daily. The layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The Site is the subject of a previous application No. A/YL-NSW/291 approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 10.9.2021. All the time-limited approval conditions have been complied. Compared with the previous application, the current application is submitted by the same applicant for the same use at the same site¹ with the same layout, development parameters and operation hours.

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

- (a) Application form with attachments received on 11.7.2024 (**Appendix I**)
- (b) Further Information (FI) received on 29.8.2024* (**Appendix Ia**)

** 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 the application form and supplementary information at **Appendix I** and summarised as follows:

- (a) All the approval conditions under the previous planning approval have been complied with, and the facilities installed on-site meet the requirements of relevant government departments.
- (b) Compared with the previous application, there is no change in the applied use and layout. No nuisance to the surrounding area would be generated.
- (c) The applicant undertakes to comply with the approval conditions which may be imposed by the relevant government departments.

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

The applicant is not the “current land owner” but 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. 31B) by obtaining consent from the current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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 relevant to this application. The relevant extract of the Guidelines is attached at **Appendix II**.

¹ Lot 605 RP has been sub-divided and part of a new lot (Lot 605 S.C) falls within the site boundary

5. **Background**

- 5.1 The Site falls within an area to the south of Yuen Long Highway (YLH) (**Plan A-1**) which had been zoned “U” (26.3 ha) on the draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/1 since 3.6.1994. The area was so designated as several major transport and drainage projects including YLH, MTR Tuen Ma Line (TML) and Yuen Long Bypass Floodway (YLBf), which were under planning at that time would traverse the area. According to the Explanatory Statement of the Nam Sang Wai OZP, the “U” zone is within a transitional location between the urban and rural areas.
- 5.2 Following the completion of the infrastructure projects of YLH, TML 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 and the detailed land use proposal and appropriate development parameters of which 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” undertaken by the Civil Engineering and Development Department (CEDD).
- 5.3 The Site is currently not subject to any active planning enforcement action.

6. **Previous Application**

- 6.1 The Site is involved in two previous applications (No. A/YL-NSW/105 and 291). Details of the previous applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**. Application No. A/YL-NSW/105 submitted by a different applicant for proposed residential development was rejected by the Committee of the Board in 2001, but the considerations of which are not relevant to the current application.
- 6.2 Application No. A/YL-NSW/291 submitted by the same applicant for the same applied use at the same site as the current application was approved with conditions by the Committee on 10.9.2021 mainly on the considerations that temporary approval would not jeopardise the long term land use planning for the area; the development was not incompatible with the surrounding land uses; and there was no adverse comment from concerned government departments or their technical concerns could be addressed by the approval conditions. All the time-limited approval conditions have been complied with and the planning permission is valid until 10.9.2024.

7. **Similar Application**

There is one similar application (No. A/YL-NSW/294) for temporary agricultural use within the same “U” zone in the vicinity of the Site in the past five years. The application was approved with conditions by the Committee in December 2021 on similar considerations as stated in paragraph 6.2 above. The planning approval was subsequently

revoked in June 2022 due to non-compliance with the approval conditions. Details of the similar application are summarised in **Appendix III** and the location is shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from Yuen Long Tung Shing Lei Road via a local track to its east; and
- (b) fenced-off, partly hard paved and mainly occupied by a pond and the applied use (including green houses, store rooms and rest rooms) with valid planning permission under application No. A/YL-NSW/291.

8.2 The surrounding areas comprise predominantly grassland, residential structures, agricultural land, ponds, plant nursery, parking of vehicles and a vehicle repair workshop. The YLBF is to the east of the Site across the Long Fai Road.

9. Planning Intention

The “U” zone is subject to impacts from Castle Peak Road, YLH, TML and YLBF. 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. 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, Government, institution or community 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.

10. Comments from Relevant Government Departments

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

10.2 The following government department has adverse comment on the application:

Land Administration

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

- (a) the Site comprises Old Schedule Agricultural Lots 605 S.C, 605 RP, 606 RP, 607 RP in D.D. 115 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) LandsD has reservation on the planning application since there is/are unauthorised structure(s) and/or uses on the subject lots which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (c) if the planning application is approved, the lot owner(s) shall apply to his office for a Short Term Waiver (STW) to permit the structure(s) erected within the said private lots. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and
- (d) his advisory comments are at **Appendix V**.

11. Public Comment Received During Statutory Publication Period

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

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning permission for temporary agricultural use (green houses) with ancillary store rooms and rest rooms for a period of three years at the Site zoned “U” on the OZP (**Plan A-1**). As the application is temporary in nature, it will not affect the comprehensive review of the “U” zone and the potential public housing development in the long term as mentioned in paragraph 5 above. The Head of Civil Engineering Office, CEDD has no comment on the application. In this regard, approval of the applied use on a temporary basis for a further period of three years would not jeopardise the long-term development of the area.

12.2 The applied use is considered not incompatible with the surrounding uses, which

comprise predominantly grassland, residential structures, agricultural land, ponds, plant nursery, parking of vehicles and the YLBF.

- 12.3 Concerned government departments including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Director of Environmental Protection have no objection to or no adverse comment on the application from traffic, drainage, fire safety and environmental aspects respectively. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.4 DLO/YL of LandsD has adverse comments on the application in view of the unauthorised structures and uses within the Site. In this regard, the applicant states that he has applied for STW to regularise the concerned unauthorised structure(s) (**Appendix Ia**).
- 12.5 The application is considered generally in line with TPB PG-No. 34D in that there has been no material change in the planning circumstances since the previous approval was granted; no adverse planning implication arising from the renewal is anticipated; all time-limited conditions under the previous approval had been satisfactorily complied with; and the three-year approval period sought which is the same timeframe as the previous approval is reasonable.
- 12.6 The Committee also approved a similar application within the same “U” zone in the vicinity of the Site in 2021. Approval of the current application is generally in line with the Committee’s previous decision.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the applied use could be tolerated for a further period of 3 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 11.9.2024 to 10.9.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of condition records 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 of the Town Planning Board by 11.12.2024;
- (c) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;

- (d) if any of the above planning condition (a) or (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
- (e) if the above planning condition (b) 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 ~~immediately~~ without further notice.

Advisory clauses

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

13.3 There is no strong reason to recommend rejection of the application.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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

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| Appendix I | Application form with attachments received on 11.7.2024 |
| Appendix Ia | FI received on 29.8.2024 |
| Appendix II | Relevant extract of TPB PG-No. 34D |
| Appendix III | Previous and similar applications |
| Appendix IV | Government departments' general comments |
| Appendix V | Recommended advisory clauses |
| Drawing A-1 | Site layout plan |
| Plan A-1 | Location plan with previous and similar applications |
| Plan A-2 | Site plan |
| Plan A-3 | Aerial photo |

Plans A-4a and 4b Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**