

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/336

<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) and adjoining Government Land (GL) in D.D. 115, Nam Sang Wai, Yuen Long
<u>Site Area</u>	:	About 3,100 m ² (including GL of about 10m ² or 0.3%)
<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
<u>Zoning</u>	:	“Undetermined” (“U”)
<u>Application</u>	:	Temporary Agricultural Use (Greenhouse) with Ancillary Store Rooms and Staff Rest Rooms for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary agricultural use (greenhouse) with ancillary store rooms and staff rest rooms for a period of three years at the application site (the Site) zoned “U” on the OZP (**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 without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Long Fai Road leading to Long Shing Road which connects to Castle Peak Road –Yuen Long via Yuen Long Tung Shing Lei Road (**Plans A-1 and A-3**). According to the applicant, the applied use involves six single-storey structures with heights of not more than 4.5m, including one structure for greenhouse, four structures for store rooms and rest room and one structure for toilet, with a total floor area of about 1,395m². One light goods vehicle parking space (3m x 5m) is 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 was involved in a previous application No. A/YL-NSW/294 for similar temporary agricultural use approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 24.12.2021. The planning permission was subsequently revoked in June 2022 due to non-compliance with time-limited approval conditions (details at paragraph 5 below). A comparison of the major development parameters of the current application and the previously approved application is set out below:

Major Development Parameters	Previously Approved Application No. A/YL-NSW/294 (a)	Current Application No. A/YL-NSW/336 (b)	Difference (b)-(a)
Applied Use	Proposed Temporary Agricultural Use (Farming with Ancillary Store Rooms and Staff Rest Rooms) for a Period of Three Years	Temporary Agricultural Use (Greenhouse) with Ancillary Store Rooms and Staff Rest Rooms for a Period of Three Years	Addition of greenhouse
Site Area	2,900m ² (including GL of about 98m ²)	3,100m ² (including GL of about 10m ²)	+200m ² (-88m ² of GL)
No. and Height of Structures	8 • staff rest rooms, store rooms and planting stands (3m, 1 storey)	6 • greenhouse, store rooms, rest room and toilet (4.5m, 1 storey)	-2 (+1.5m)
Total Floor Area of Structures	About 144m ²	About 1,395m ²	+1,251m ²
No. of Parking and Loading/Unloading (L/UL) Space(s)	1 (1 parking for LGV) (3m x 7m)	1 (1 parking for LGV) (3m x 5m)	Change in parking space dimension

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

- (a) Application Form with attachments received on 31.10.2024 (**Appendix I**)
- (b) Further Information (FI) received on 10.12.2024 and 13.12.2024* (**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 FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) The applied agricultural use (greenhouse) is the most suitable use at the Site. The applied use could optimise the use of land resources for local farming.

- (b) The previous scheme approved under application No. A/YL-NSW/294 is not ideal and non-implementable. Non-compliance with approval conditions was due to Covid-19 pandemic. In support of the current application, fire service installations (FSIs) proposal has been submitted. The applicant also undertakes to comply with the approval conditions which may be requested by the relevant government departments, and to apply for Short Term Waiver (STW) to regularise the unauthorised structure(s) at the Site.
- (c) No adverse environmental and traffic impacts are anticipated.

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 posting site notice and sending notice to the Shap Pat Heung 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

- 4.1 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 OZP, the “U” zone is within a transitional location between the urban and rural areas.
- 4.2 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).
- 4.3 The Site is currently not subject to any active planning enforcement action.

5. Previous Application

The Site was involved in a previous application No. A/YL-NSW/294 submitted by the same applicant for the similar applied use at a slightly smaller site which was approved with conditions for a period of 3 years by the Committee on 24.12.2021 mainly on the

considerations that the temporary approval would not jeopardise the long-term land use planning for the area; the proposed use 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. The planning approval was subsequently revoked on 24.6.2022 due to non-compliance with the approval conditions regarding run-in/out, drainage and FSIs aspects. Details of the previous application are summarised in **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Applications

There are two similar applications (No. A/YL-NSW/291 and 333) covering the same site for similar temporary agricultural use within the same “U” zone in the vicinity of the Site in the past five years. The similar applications were approved with conditions by the Committee on 10.9.2021 and 20.9.2024 respectively on similar considerations as stated in paragraph 5 above. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Long Fai Road leading to Long Shing Road which connects with Yuen Long Tung Shing Lei Road and Castle Peak Road –Yuen Long; and
- (b) occupied by the applied use without valid planning permission.

7.2 The surrounding areas comprise predominantly greenhouse farming, residential structures, cultivated agricultural land, storage yard, parking of vehicles, temple and vacant land. The YLBF is located to the west of the Site across the Long Fai Road. The viaduct of the MTR TML is located to the south of the Site.

8. 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.

9. Comments from Relevant Government Departments

All 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

On 8.11.2024, the application was published for public inspection. During the statutory publication period, two public comments were received from the descendants of the villagers of Tung Shing Lane Village and an individual. Both of them object to the application mainly on the grounds that the applied use is incompatible with the locality; there lacks a comprehensive planning review for the locality; there will be traffic, infrastructure and safety concerns arising from the applied use; and the Site is subject to the non-compliance history under the previous application.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary agricultural use (greenhouse) with ancillary store rooms and staff 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 4 above. The Head of Civil Engineering Office, CEDD and Director of Housing have no adverse comment on the application. Approval of the applied use on a temporary basis for a period of three years would not jeopardise the long-term planning of the “U” zone.
- 11.2 The applied use is considered not incompatible with the surrounding uses, which comprise predominantly greenhouse farming, residential structures, active agricultural land, storage yard, parking of vehicles, temple and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment to the application from landscape planning perspective considering the applied use is not incompatible with surrounding landscape character and significant landscape impact arising from the applied use is not anticipated.
- 11.3 Concerned government departments including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services (D of FS) 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 12.2 below.
- 11.4 The Site was involved in a previous application No. A/YL-NSW/294 submitted by the same applicant for similar agricultural use covering a slightly smaller site, and the planning permission was revoked due to non-compliance with approval conditions. In support of the current application, the applicant has submitted a

FSIs proposal and committed to comply with the approval conditions if the application is approved. In this regard, D of FS has no objection in principle to the application. As such, sympathetic considerations may be given to the application. Should the application be approved, the applicant will be advised that sympathetic consideration may not be given to any further applications should he fail to comply with any of the approval conditions again resulting in revocation of planning permission.

- 11.5 A previous application for temporary agricultural use covering the Site and two similar applications for temporary agricultural use within the same “U” zone in the vicinity of the Site have been approved by the Committee in the past five years as mentioned in paragraphs 5 and 6 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment received as summarised in paragraph 10 above, the departmental comments and planning considerations 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 above, PlanD considers that the applied 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 20.12.2027. 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 20.6.2025;
- (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 20.9.2025;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 20.6.2025;
- (e) in relation to (d) 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 20.9.2025;

- (f) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 at **Appendix IV**.

12.3 There is no strong reason to recommend rejection of 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 with attachments received on 31.10.2024
Appendix Ia	FI received on 10.12.2024 and 13.12.2024
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public Comments
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
Plan A-4	Site photos

**PLANNING DEPARTMENT
DECEMBER 2024**