

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

APPLICATION NO. A/YL-NTM/473

- Applicant** : Mr. TSO Wai Yan
- Site** : Lots 956 (Part) and 963 in D.D. 104 and Adjoining Government Land (GL), Ngau Tam Mei, Yuen Long
- Site Area** : About 2,813m² (including GL of about 2,296m² (about 82%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/13
- Zoning** : “Comprehensive Development Area” (“CDA”)

[restricted to a maximum gross floor area of 79,000m² and a maximum building height of 3 storeys including car park]
- Application** : Renewal of Planning Approval for Temporary Fish Farming for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for a temporary fish farming for a period of three years at the application site (the Site) which is zoned “CDA” on the draft Ngau Tam Mei OZP No. S/YL-NTM/13 (**Plan A-1**). The applied use is neither Column 1 nor Column 2 use of the “CDA” zone. 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 used for the applied use with valid planning permission under application No. A/YL-NTM/420 until 18.5.2024 (**Plan A-2, A-4a and A-4b**).
- 1.2 The applied use comprises four existing one-storey structures (all not more than 3m high) with a total floor area of about 579.8m² for an ancillary office, covered fish farming pools, a briefing room, a toilet and a staff resting room with storages. A total of three private car parking spaces, one light goods vehicle (LGV) parking space and one loading/unloading space for LGV not

exceeding 5.5 tonnes are provided (**Drawing A-1**). The operation hours are between 9:00 a.m. and 6:00 p.m. daily (including public holidays). The Site is accessible via a local access road off Ngau Tam Mei Road (**Plan A-2**).

1.3 The Site, in whole or in part, is the subject of seven previous applications. The last application for renewal (No. A/YL-NTM/420) submitted by the same applicant for the same applied use was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 14.5.2021 and is valid until 18.5.2024. All the time-limited approval conditions of the previous application had been complied with. The current application is largely the same as the last approved application except for a reduction in number of structures from six to four and consequential increase in the total floor area from 578.8m² to 579.8m² (+0.31%). There is no change in terms of the applied use, the height of the structures retained in the current application, the car parking and loading/unloading facilities and the operation hours of the applied use. Details of the previous applications are in paragraph 6 below and at **Appendix III**.

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

- (a) Application Form received on 22.3.2024 **(Appendix I)**
- (b) Further Information (FI) received on 22.4.2024[#] **(Appendix Ia)**
- (c) FI received on 6.5.2024[#] **(Appendix Ib)**

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 the Application Form at **Appendix I**. The applicant states that the approval of the last planning application (No. A/YL-NTM/420) for temporary fish farming will expire on 18.5.2024. The renewal application is to facilitate the continuous operation of the fish farm for the production of fish for the local market.

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

The applicant is not a “current land owner” of the private land within the Site 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 Ordinance (TPB PG-No. 31B) by notifying the concerned land owners through publishing notices in local newspapers and sending notification letter to the San Tin Rural Committee. Details information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, the “Owner’s Consent/Notification” requirements are not applicable.

4. Town Planning Board Guidelines

Town Planning Board Guidelines No. 34D (TPB PG-No. 34D) on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use of Development' is relevant to this application. Relevant extracts of the Guidelines is attached at **Appendix II**.

5. Background

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

6. Previous Applications

- 6.1 The Site is the subject of seven previous applications (No. A/YL-NTM/147, 223, 244, 277, 318, 367 and 420) of which two were rejected by the Committee and the remaining applications were approved with conditions by the Committee.
- 6.2 The last five applications (No. A/YL-NTM/244, 277, 318, 367 and 420) were submitted for the same applied use and approved by the Committee between 2009 and 2021 each for a period of three years mainly on the considerations that the temporary use would not frustrate the long-term planning intention of the "CDA" zone; the proposed/applied use was not incompatible with the surrounding land uses; and the proposed/applied use would not have adverse impacts on the surroundings. For the last approved application No. A/YL-NTM/420, all the time-limited approval conditions had been complied with and the planning permission is valid until 18.5.2024.
- 6.3 The two rejected previous applications (No. A/YL-NTM/147 and 223) covering larger site areas were for temporary open storage and residential development respectively and are not relevant to the current application.
- 6.4 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

7. Similar Applications

There is no similar application within the same "CDA" zone in the past five years.

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

- 8.1 The Site is
 - (a) currently used for the applied use (i.e. temporary fish farming) with valid planning permission (No. A/YL-NTM/420) until 18.5.2024; and

(b) accessible via a local access road off Ngau Tam Mei Road to its north.

- 8.2 The surrounding areas are rural in character comprising predominantly cultivated agricultural land intermixed with orchard, ponds, scattered temporary structures for storage uses, open storage and unused land. Some of the storage and open storage uses are suspected unauthorised developments subject to planning enforcement action. The Site is adjoined by the Tam Mei Barracks to the north. To its further south is the Ngau Tam Mei Drainage Channel.

9. Planning Intention

The planning intention of “CDA” zone is for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

10. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comments 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.

11. Public Comments Received During Statutory Publication Period

On 2.4.2024, the application was published for public inspection. No public comment was received during the statutory public inspection period.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary fish farming for a period of three years at the Site, which falls within the “CDA” zone (**Plan A-1a**). The planning intention of the “CDA” zone is primarily for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. It is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. While the temporary fish farming use is not in line with the planning intention of the “CDA” zone, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “CDA” zone as there is no known long-term development proposal for the Site.

- 12.2 The Site is partly hard-paved and is used as fish farm. The applied use is considered not incompatible with the surrounding rural context comprising predominantly cultivated agricultural land intermixed with orchard, ponds, scattered temporary structures for storage uses, open storage and unused land (**Plan A-2**). Chief Town Planner/Urban Design & Landscape, Planning Department has no objection to the application as there is no significant adverse landscape impact arising from continuing the applied use at the Site after the expiry of the last approval.
- 12.3 The application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the last application under application No. A/YL-NTM/420; 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 years approval period sought which is same as the previous planning application is reasonable. The applied use would unlikely cause significant adverse traffic, nature conservation, environmental, drainage and fire safety impacts on the area.
- 12.4 Concerned departments including Commissioner for Transport, Director of Agriculture, Fisheries and Conservation, Director of Environmental Protection (DEP), Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to or no adverse comments on the application. There was no environmental complaint relating to the Site received by DEP in the past three years. Technical requirements of the concerned government departments are suggested to be imposed through relevant approval conditions as recommended in paragraphs 13.2. Besides, the applicant will be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department to mitigate any potential environmental nuisances on the surrounding areas.
- 12.5 The Site is the subject of five previously approved applications for the same applied use by the same applicant. All the time-limited approval conditions of the last application had been complied with. Approval of the current application is in line with the previous decisions of the Committee.

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 period of three years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the planning permission shall be valid on a temporary basis for a period of three years and be renewed from 19.5.2024 until 18.5.2027. The following conditions of approval and advisory clauses are also suggested for Member's reference:

Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during 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 existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of 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 19.8.2024;
- (e) the existing fire service installations implemented on the Site being maintained in efficient working order at all times;
- (f) if any of the above planning condition (a), (b), (c) or (e) 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 the above planning condition (d) 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 V**.

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

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

Appendix I	Application Form received on 22.3.2024
Appendix Ia	FI received on 22.4.2024
Appendix Ib	FI received on 6.5.2024
Appendix II	Relevant Extract of TPB-PG No. 34D
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	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 to 4c	Site Photos

**PLANNING DEPARTMENT
MAY 2024**