

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/678

- Applicant** : Great City Holdings Limited represented by R-riches Property Consultants Limited
- Site** : Lots 605 (Part), 606 (Part), 607, 608 (Part), 610 (Part), 611, 612, 613 (Part), 614 (Part), 622 (Part), 623, 624 S.A (Part), 625 S.A (Part), 626, 627 S.A & S.B, 628 S.A, 628 RP, 629, 630, 631 S.A, 631 RP, 632 S.A, 632 S.B RP, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644 S.A, 644 S.B (Part), 645 (Part), 646 (Part), 656 (Part), 657, 658 (Part), 662, 663, 664, 665, 666, 667 RP, 668 RP, 669, 690 RP, 1274 RP, 1275, 1276, 1277 RP, 1278, 1343 S.B ss. 1 (Part), 1346 S.A RP, 1346 S.B ss. 1 (Part) and 1347 S.A (Part) in D.D. 17, and Adjoining Government Land, Ting Kok Road, Tai Po, New Territories
- Site Area** : 16,273m² (including Government land of about 32m²)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
- Zonings** : “Agriculture” (“AGR”) (about 95%) and area shown as ‘Road’ (5%)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) with Ancillary Facilities and Canteen for a Period of 5 Years and Partial Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed temporary place of recreation, sports or culture (hobby farm) for five years and partially filling of land at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “AGR” (95%) and area shown as ‘Road’ (5%) on the OZP. According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’ use in “AGR” zone and all uses (except road and on-street vehicle park) within an area shown as ‘Road’ require planning permission from the Town Planning Board (the Board). Any filling of land within the “AGR” zone also require planning permission from the Board. The Site is currently vacant and largely covered by vegetation.
- 1.2 According to the applicant, the proposed development involves filling of land (not more than a depth of 0.2m) of about 2,135 m² (i.e. about 13% of the total site area) (**Drawing A-3**) with concrete for site formation of structures and the

8-m wide circulation area which also serves as emergency vehicular access (EVA). The remaining area will be used for farming, circulation space with grass-pavers and landscaping (**Drawing A-3**). The breakdown of various components of the proposed development is summarized in the table below:

	Area	% of the Site
Farming Area (for agricultural purpose)	8,927 m ²	55%
Grass-pavers (for parking and circulation area)	3,614 m ²	22%
Concrete-pave (filling of land for not more than a depth of 0.2m) (for site formation of structures and EVA)	2,135 m ²	13%
Landscaping Area	1,597 m ²	10%
Total	16,273 m²	100%

- 1.3 A total of 9 single-storey structures with building height ranging from 4 to 5.5m with a total GFA of 2,274 m² will be erected. One of these structures of 1,100 m² GFA and building height of 5.5m will be used for reception and management office, ancillary canteen, storage of farm tools, washroom and changing room, and agricultural education rooms (**Drawing A-4**). Five structures, each of 48m² GFA and building height of 4m, will be used as agricultural education rooms (**Drawing A-5**). The remaining three structures of a total GFA of 934m² are canopies for car parking spaces. A total of 38 parking spaces for private cars (2.5 m x 5 m) and two loading/unloading spaces for light goods vehicles (3.5 m x 7 m) will be provided. Access to the Site will be via Ting Kok Road from the north (**Drawing A-2**) and a pedestrian crossing is proposed (**Drawing A-6**).
- 1.4 The operation hours of the proposed hobby farm are from 9:00 am to 9:00 pm daily including public holidays, comprising two time slots (9:30am to 1:00pm and 2:30pm to close of business). Visitors are required to reserve their access in advance by appointment and a maximum of seven groups of 10 visitors will be served at each time slot. The maximum number of visitors will be 40 on Monday to Fridays and 150 on Saturdays, Sundays and public holidays with not more than 70 visitors at each time slot. The proposed canteen will provide service for visitors only and walk-in visitor/general public will be prohibited to enter the Site. No overnight accommodation will be provided within the Site for visitors. The number of staff will be about 20. No public announcement system and loud speaker would be used. The site layout plan and paved ratio plan submitted by the applicant are at **Drawing A-2** and **Drawing A-3** respectively.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form with supplementary statement and (**Appendix I**) plans received on 10.1.2020

- (b) Further information (FI) received on 21.2.2020 providing a sewerage impact assessment# (Appendix Ia)
- (c) FI received on 29.5.2020 providing responses to departmental comments, revised sewerage impact assessment, landscape proposal, drainage proposal, site formation proposal, revised site boundary and elaboration on traffic circulation arrangement# (Appendix Ib)
- (d) FI received on 8.7.2020 providing responses to departmental comments, updated drainage proposal and updated layout plans ^ (Appendix Ic)
- (e) FI received on 21.9.2020 providing responses to departmental comments and pedestrian crossing proposal ^ (Appendix Id)

(# accepted but not exempted from publication and recounting requirements)

(^accepted and exempted from publication and recounting requirements)

1.6 On 26.5.2020, the Rural and New Town Planning Committee (the Committee) agreed to the applicant's request to defer making a decision on the application for two months to allow time for preparation of FI to support the application. In light of special work arrangements for government departments due to novel coronavirus infection, the meeting originally scheduled for 24.7.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application on 1.9.2020 for further 2 months. After the deferral, the applicant submitted FI on 21.9.2020 and the application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the planning statement at **Appendix I** and the FI at **Appendices Ia, Ib, Ic and Id**. They can be summarized as follows:

- (a) the proposed development will not create significant adverse traffic, environmental, landscape and drainage impacts to the surrounding areas;
- (b) the applicant will strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' by the Environmental Protection Department to minimize all possible environmental impacts on the nearby sensitive receivers;

- (c) the proposed development will not frustrate the long-term planning intention of the “AGR” zone as it is only on a temporary basis. The Site will be reinstated for agricultural purpose after the planning approval period;
- (d) the proposed land filling (concrete-paved) is for site formation of the structures and emergency vehicular access to meet the standard requirements and the formation level is similar with existing level;
- (e) for the grass-paved area, grass-pavers made of recycled plastic with open cells to allow the growth of grass will be used. It will be used at the parking and vehicular circulation area to stabilise the existing soiled ground and prevent erosion from surface run-off;
- (f) no land filling will take place in the farm area of the Site;
- (g) the proposed ancillary canteen will serve only the visitors, and the general public are prohibited from accessing the Site;
- (h) a pedestrian crossing with central refuse island is proposed to facilitate direct access to the Site from the public transport facilities across Ting Kok Road in (KMB 75K and GBM20C). The applicant will be responsible to undertake all the required works; and
- (i) more than 10 planning applications for ‘Temporary Barbecue Site’ were approved by the TPB within the same “AGR” zone on the OZP. As the proposed development is similar in nature, it is not incompatible with the surrounding land uses. The approval of the current application would not set an undesirable precedent.

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

The applicant is not a “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. 31A) by posting newspapers notices and sending notification letter to the Tai Po Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. As for the Government land, the “owner’s consent/notification” requirements are not applicable to the application.

4. Background

The Site is not subject of any active enforcement action. According to the Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD), the Site are part of two previous enforcement cases against unauthorized filling of land. Enforcement Notices (EN) were issued on 13.11.2014 and 17.12.2014 respectively requiring discontinuance of the relevant operations. Reinstatement Notices (RN) were issued on 6.6.2016 requiring the notice recipients to remove the leftovers and debris on the land and all fill materials (including all construction wastes)

and to grass the land. Compliance Notices for the EN and RN were issued in August 2018.

5. Previous Applications

- 5.1 The Site is part of the subject of two previous planning applications (No. A/NE-TK/265 and 542).
- 5.2 Application No. A/NE-TK/265 was for temporary barbecue site and ancillary car park, which was approved with conditions by the Committee on 7.11.2008 for a temporary period of two years mainly on grounds that the applied use was not incompatible with the predominantly agricultural and recreational uses in the surrounding areas, and would unlikely cause adverse environmental, drainage and sewerage impacts on the areas. The permission has expired on 8.11.2010.
- 5.3 Application No. A/NE-TK/542 was for filling of land for agricultural use, which was rejected by the Committee on 27.3.2015 mainly on the grounds of having no strong planning justifications for land filling of 1.6m high for agricultural purpose, affecting future road works, adverse drainage, landscape and geotechnical impacts and setting undesirable precedent for other similar applications within the “AGR” zone.
- 5.4 Details of these applications are summarised at **Appendix II** and the locations are shown on **Plan A-2**.

6. Similar Applications

- 6.1 There are three similar applications for temporary hobby farm in the “AGR” zone in the vicinity of the Site (A/NE-TK/321, 553 and 640).
- 6.2 Application No. A/NE-TK/321 was for a temporary hobby farm (organic farm and fresh provision shop) for a period of 5 years, which was approved by the Committee in 29.10.2010 mainly on grounds that the small scale and the temporary nature of the applied use would unlikely affect the long-term use of the site, farming was always permitted within the “AGR” zone and the fresh provision shop was to provide support for the operation of the farm, the applied use was considered not incompatible with the surrounding agricultural setting and would unlikely cause significant adverse landscape, traffic, environmental and drainage impacts in the surrounding areas.
- 6.3 Applications No. A/NE-TK/553 and 640 covering the same site were for temporary hobby farm, shop and services (retail shop) cum land filling for a concrete platform (10cm in depth) for a period of 3 years, which were approved by the Committee on 7.8.2015 and 15.6.2018 respectively mainly on the grounds that the applied use would unlikely affect the long-term planning intention of the “AGR” zone, was considered not incompatible with the surrounding areas and would unlikely cause significant adverse landscape,

traffic, environmental and drainage impacts in the surrounding areas.

6.4 Details of the applications are summarized at **Appendix III** and the locations are shown on **Plans A-1** and **A-2**.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2 and photos on Plans A-3, A-4a and A-4b)

7.1 The Site is:

- (a) mostly vacant and covered with vegetation (**Plan A-4a**); and
- (b) accessible from a local track branching off Ting Kok Road (**Plan A-2**).

7.2 The surrounding areas are predominantly rural in character comprising mainly abandoned agricultural land, temporary structures for domestic or storage use, temporary barbeque sites and vacant land.

8. Planning Intention

8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. As filling of land/pond may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities. However, filling of land specifically required under prior written instructions of Government department(s), or for purposes of genuine agricultural practice including laying of soil not exceeding 1.2m in thickness for cultivation, and construction of agricultural structure with prior written approval from the Lands Department is exempted from the control.

8.2 Area shown as ‘Road’ on the OZP is for road purpose.

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/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;

- (b) the Site consists of 60 private lots in DD. 17, Ting Kok with different ownership and one piece of Government land. The private lots are held under the Block Government Lease demised for agricultural purpose, no structure shall be erected thereon without the prior approval from LandsD. As regard to the Government land, neither occupation nor works of any kind thereon is allowed without the prior approval from LandsD;
- (c) the proposed vehicular access to the application site will fall on a strip of Government land between Ting Kok Road and the subject lots of the site. As a result, a number of trees growing on the said Government land may be affected. As such, no trees shall be interfered with unless prior approval is obtained from her office. The maintenance and management responsibility of the said Government land should be sorted out with the relevant Government departments, prior to making use of its proposed vehicular access purpose. Furthermore, neither occupation nor works of any kind thereon is allowed on the Government land without prior approval from LandsD.
- (d) recent inspection revealed that unauthorized structures were erected on the Site. The applicant is required to clear any existing structures on the Site immediately unless they are covered by valid approval. Otherwise, appropriate enforcement action will be taken in due course;
- (e) there is no guarantee to the grant of a right of way to the Site or approval of the EVA thereto; and
- (f) should the Board approve the application, the lots owners are required to submit an application for (i) Short Term Waiver (“STW”) to LandsD if they wish to erect structures or have hard paving on the private lots for site formation of the proposed structures; and (ii) Short Term Tenancy (STT) if they wish to include the Government land which is land-locked by Lots No. 610,611, 634-636, 639, 1278 in D.D.17 for hobby farm use. However, there is no guarantee at this stage that the STW and STT application would be approved. If the STW and STT applications are approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as maybe imposed by LandsD including the payment of waiver fee/ STT rental and administrative fee as considered appropriate.

Agriculture and Nature Conservation

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

- (a) the Site possesses potential for agricultural rehabilitation. On the understanding that agricultural activities are involved in the proposed use and that the site will be reinstated upon the expiry of the planning permission, she has no strong view against the application from agricultural point of view; and
- (b) according to her site inspection, the Site is currently an abandoned land overgrown with vegetation. On the basis of the circumstantial evidence, it is considered that the soil would generally be suitable for cultivation purpose.

Landscape

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

- (a) no objection to the application from landscape planning perspective;
- (b) it is noted that there is a decrease in the total site area to be hard paved in the FI (**Appendix Ib**) and as per the landscape plan, the applicant proposed to plant 125 nos. of *Bauhinia x blakeana* along the site boundary to mitigate potential impact on existing landscape resources arising from the proposed development within the Site;
- (c) in view that tree buffer is found to the north of the Site along public frontage for screening purpose, significant adverse landscape and visual impact due to the proposed development is not anticipated; and
- (d) the applicant is advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to LandsD for approval.

Traffic

9.1.4 Comments of the Commissioner for Transport (C for T):

- (a) no objection to the application subject to satisfactory design and implementation of the proposed pedestrian crossing by the applicant; and
- (b) should the application be approved, approval condition requiring the submission and implementation of pedestrian crossing proposal for the development to the satisfaction of the C for T or of the Board should be imposed.

9.1.5 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- (a) the section of Ting Kok Road adjacent to the subject lot is under HyD's maintenance purview. However, part of the area between Ting Kok Road and the subject lot is on unallocated government land which is outside HyD's maintenance purview. If vehicle access to the subject lot is approved, the applicant is required to sort out the maintenance responsibility of the area with DLO/TP;
- (b) the applicant is required to construct a proper run-in/out and reinstate the run-in/out to its original state upon expiry of the approval. As the run-in/out will affect the beam barriers, design details of the run-in/out should also be submitted to TD and his department for consideration; and
- (c) he is not aware of any road widening for the subject section of Ting Kok Road, and notes that the application is temporary in nature for not exceeding 5 years.

Drainage

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he has no in-principle objection to the application from public drainage viewpoint provided that there is no apparent change of formation level of the site;
- (b) there is existing public sewer in the vicinity of the Site (**Plan A-2**);
- (c) for works to be undertaken outside the Site, prior consent and agreement from DLO/TP and/or relevant private lot owners should be sought;
- (d) detailed comments on the submitted drainage proposal are at **Appendix IV**;
- (e) other advisory comments are at **Appendix VI**; and
- (f) should the application be approved, approval conditions requiring the submission and implementation of a revised drainage proposal for the development to the satisfaction of his department or of the Board should be included in the planning permission.

Environment

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

- (a) he has no objection to the application from environmental planning perspective;
- (b) should the application be approved by the Board, approval condition on the prohibition of the use of public announcement system, portable loudspeaker or any form of audio amplification system, as proposed by the applicant, should be imposed; and
- (c) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the “Revised Code of Practice on Handling Environmental Aspects of Open Storage and other Temporary Uses” to minimize any potential environmental nuisance.

Geotechnical

9.1.8 Comments of the (Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);

- (a) he has no geotechnical objection in view that the reinstatement notice for removal of all fill materials had been complied with; and
- (b) the applicant is reminded to seek the necessary approval, if needed, from the relevant authority regarding the proposed site formation work in the next stage.

Building Matters

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

- (a) no comment on the application;
- (b) there is no record of submission of the proposed building/structure and proposed filing of land which is a site formation work to the Building Authority for approval; and
- (c) for any new proposed building, the applicant’s attention should be drawn to the detailed advisory comments at **Appendix VI**.

Fire Safety

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

- (a) no in-principle objection to the application subject to the water supplies for firefighting and fire services installations (FSIs) being provided to the satisfaction of D of FS;
- (b) in consideration of the design/ nature of the proposed use, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his satisfaction;
- (c) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
- (d) if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap.123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Food and Environmental Hygiene

9.1.11 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) the operator of hobby farm should take measure to prevent the existence of nuisance such as noise nuisance, pest nuisance and accumulation of refuse at the Site. The refuse generated are regarded as trade refuse. The management or owner of the Site is responsible for its removal and disposal at their expenses. The operation of any business should not cause any obstruction or environmental nuisance in the vicinity; and
- (b) a food business license will be required for the proposed canteen if it will serve persons with payment, other than staff members.

Water Supply

9.1.12 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) no objection to the application; and
- (b) existing water mains are inside the proposed lot and will be affected. The applicant is required to either divert or protect the water mains found on site in accordance with the requirements detailed in **Appendix VI**.

9.2 The following Government departments have no comment on the application:

- (a) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (b) Director of Leisure and Cultural Services (DLCS);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Commissioner of Police; and
- (e) District Officer/Tai Po, Home Affairs Department (DO/TP).

10. Public Comments Received During Statutory Publication Period (Appendix V)

- 10.1 The application and FI submitted by the applicant were published for public inspection. During the statutory public inspection periods, 43 public comments were received.
- 10.2 One individual supports the application on the grounds that the proposed hobby farm could provide a chance for the public to experience farming (**Appendix V-1**).
- 10.3 The other 42 public comments were received from the Hong Kong Bird Watching Society (three submissions with similar content) (**Appendix V-2**), Designing Hong Kong (two submissions with similar content) (**Appendix V-3**), Conservancy Association (**Appendix V-4**), villagers from Ting Kok and Ting Kok Village Council (in different standard letter formats at **Appendix V- 5 to 9**) and an individual (two submissions) (**Appendix V- 10 and 11**). They all object to the application mainly on the grounds that the proposed development is not in line with the planning intention of “AGR” zone; the Site was subject of previous filling of land which exacerbated the flooding problem in the area and involved ‘destroy first, build later’ activities; there will be potential adverse drainage, air pollution, traffic impacts on the surrounding areas; and approving the application would set an undesirable precedent.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary place of recreation, sports or culture (hobby farm) with ancillary facilities and canteen for a period of 5 years in the “AGR” zone (95%) and an area shown as “Road” (5%). The application also seeks permission for partial filling of land (about 2,135m² or 13% of site area) by a depth of not more than 0.2m for site formation of the structures and EVA. According to the applicant’s submission, about 55% of the Site will be used for farming. For the remaining area, 22% of the Site will be covered by grass-pavers for circulation purpose and 10% will be landscaping area. The area which would be covered by structures or paved with concrete is only about 2,135 m² (i.e. about 13% of the Site). For the filling of land, the applicant explains that concrete paving is necessary for site formation of structures on-site and circulation area for EVA. For other areas need to be paved, including the circulation space for pedestrian and car parking, grass pavers will be used, which will allow growth of grass while stabilising the existing soiled ground and preventing erosion from surface

run-off. Furthermore, the applicant explains that the proposed structures on-site including that for agricultural education purpose, store room, changing rooms, washrooms, canteen and kitchen (**Drawing A-4 and A-5**) are ancillary facilities for the operation of the hobby farm.

- 11.2 The proposed use is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Nonetheless, DAFC has no strong view against the application and the approval of the application for a period of 5 years on a temporary basis would not frustrate the long term planning intention of “AGR” zone.
- 11.3 The proposed development is considered not incompatible with the surrounding land uses which are predominantly rural in character surrounded by abandoned agricultural land, temporary structures for domestic or storage uses, temporary barbeque sites and vacant land. CTP/UD&L has no objection to the application from landscape planning point of view.
- 11.4 C for T has no objection to the application subject to satisfactory design and implementation of the pedestrian crossing proposal by the applicant. DEP has no objection to the application, and advises that the applicant should be reminded to adopt the relevant mitigation measures and requirements in the “Revised Code of Practice on Handling Environmental Aspects of Open Storage and other Temporary Uses” to minimize any potential environmental nuisance. Other relevant departments consulted, including D of FS, CE/MN of DSD and CE/C of WSD have no adverse comment on the application. Technical concerns of C for T, CHE/NTE of HyD, CE/MN of DSD and D of FS could be addressed by imposing approval conditions in paragraphs 12.2 (d) to (k) below.
- 11.5 The Site is part of the subject of two previous applications (No. A/NE-TK/265 and 542). Application No. A/NE-TK/265 for temporary barbecue site and ancillary car park, was approved with conditions by the Committee on 7.11.2008 for a temporary period of two years. Application No. A/NE-TK/542 for filling of land for agricultural use, was rejected on 27.3.2015 mainly on the grounds of having no strong planning justifications for land filling of 1.6m high for agricultural purpose, affecting future road works, adverse drainage, landscape and geotechnical impacts and setting an undesirable precedent for other similar applications within the "AGR" zone.
- 11.6 There are three similar applications (A/NE-TK/321, A/NE-TK/553 and A/NE-TK/640) for temporary hobby farm in the “AGR” zone in the vicinity of the Site. All three applications were approved. Application No. A/NE-TK/321 was for a temporary hobby farm (organic farm and fresh provision shop) for a period of 5 years, which was approved by the Committee in 29.10.2010, mainly on grounds that the applied use would unlikely affect the long-term use of the site, was considered not incompatible with the surrounding agricultural setting and would unlikely cause significant adverse landscape, traffic, environmental and drainage impacts on the surrounding areas. Applications No. A/NE-TK/553 and 640 covering the same site were

for temporary hobby farm, shop and services (retail shop) cum land filling for a concrete platform (10cm in depth) for a period of 3 years, which were approved by the Committee in 7.8.2015 and 15.6.2018 for similar grounds as those for Application No. A/NE-TK/321. The grounds for approval of these similar applications are largely applicable to the current application.

- 11.7 Regarding the public comments as mentioned in paragraph 10 above, the relevant departmental comments and planning considerations and assessments as stated 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 in paragraph 10 above, PlanD 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 5 years until 20.11.2025. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) part of the Site as proposed by the applicant, shall only be filled up to a depth not exceeding 0.2m;
- (b) no operation between 9:00pm and 9:00pm, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site at any time during the planning approval period;
- (d) the submission of a revised 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 20.5.2021;
- (e) in relation to (d) above, the implementation of revised 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 20.8.2021;
- (f) the submission of proposals for water supplies for firefighting and fire service installations 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 20.5.2021;

- (g) in relation to (f) above, the provision of water supplies for firefighting and fire service installations 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 20.8.2021;
- (h) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 20.5.2021;
- (i) in relation to (h) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 20.8.2021;
- (j) the submission of pedestrian crossing proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 20.5.2021;
- (k) in relation to (j) above, the implementation of pedestrian crossing proposal within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Board by 20.8.2021;
- (l) if any of the above planning conditions (a), (b) 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;
- (m) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j) or (k) 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; and
- (n) upon expiry of the planning application, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

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

- the proposed development is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality

agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis.

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, if any, 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.

15. Attachments

Appendix I	Application form and attachments received on 10.1.2020
Appendix Ia	Further information received on 21.2.2020
Appendix Ib	Further information received on 29.5.2020
Appendix Ic	Further information received on 8.7.2020
Appendix Id	Further information received on 21.9.2020
Appendix II	Previous s.16 applications
Appendix III	Similar s.16 application
Appendix IV	Detailed departmental comments
Appendix V	Public comments
Appendix VI	Recommended advisory clauses
Drawing A-1	Location and land status plan submitted by the applicant
Drawing A-2	Layout plan submitted by the applicant
Drawing A-3	Paved ratio plan submitted by the applicant
Drawing A-4	Internal layout plan of structure B1 submitted by the applicant
Drawing A-5	Internal layout plan of the agricultural education rooms submitted by the applicant
Drawing A-6	Pedestrian crossing proposal submitted by the applicant
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3 Aerial Photo
Plans A-4a and 4b Site Photos

PLANNING DEPARTMENT
NOVEMBER 2020