

FURTHER CONSIDERATION OF APPLICATION NO. A/YL-KTN/649
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm)
for a Period of 5 Years in “Agriculture” Zone
Lots 1750A4 RP (Part), 1750A5 RP and 1750A6 RP (Part) in D.D. 107,
Fung Kat Heung, Kam Tin, Yuen Long

1. Background

- 1.1 On 13.3.2019, the applicant, Loi Loi Leisure Farm Limited represented by R-riches Property Consultants Limited, submitted the subject application seeking permission to use the application site (the Site) for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 5 years (**Plan FA-1**). The Site falls within “Agriculture” (“AGR”) zone on the approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9. According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’ is a Column 2 use within the “AGR” zone, which requires permission from the Town Planning Board (the Board). The Site is currently fenced-off and vacant (**Plans A-2 to 4b**).
- 1.2 On 3.5.2019, the Rural and New Town Planning Committee (the Committee) of the Board considered the application. After deliberation, the Committee agreed to defer a decision on the application pending submission on (a) background information on Site including the site history and details of enforcement action(s); (b) Director of Agriculture, Fisheries and Conservation (DAFC)’s advice on the suitability of the soil found on site for farming; and (c) clarification from the applicant on the rationale of providing 11 temporary structures to support the proposed maximum number of 30 visitors.
- 1.3 For Members’ reference, the following documents are attached:
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| (a) RNTPC paper No. A/YL-KTN/649 | (Annex F-I) |
| (b) Extract of minutes of the Committee’s meeting held on 3.5.2019 | (Annex F-II) |
| (c) Further Information (FI) submitted by the applicant received on 26.6.2019 | (Annex F-IIIa) |
| (d) FI submitted by the applicant received on 7.8.2019 | (Annex F-IIIb) |

2. Further Information on the Application

(a) Background information on Site

- 2.1 According to the aerial photo in 1990, the Site was mainly used for cultivation and partly vacant (**Plan FA-3a**). In 1995, the vegetation on the western part of the Site was cleared (**Plan FA-3b**). Since then, the western part of the Site was occasionally covered with vegetation. In 2012, part of the Site was cleared (**Plan FA-3c**). On 26.10.2012, an Enforcement Notice (EN) covering the majority part of the Site (**Plan FA-2**) for unauthorized filling of land was issued to the concerned parties requiring discontinuance of relevant operation. The unauthorized development had then been discontinued. Reinstatement Notice (RN) was issued to the concerned parties on 6.2.2013 requiring reinstatement of the land by removing debris, stones and gravels on land, and to grass the land. The RN was complied with and Compliance Notices for the EN and the RN were issued on 6.9.2013 and 10.9.2013 respectively. The aerial photos in 2014 and 2015 (**Plans FA-3d** and **3e**) showed that the Site was generally covered by vegetation.
- 2.2 According to the aerial photos in 2016 and 2017 (**Plans FA-3f** and **3g**), the vegetation at the Site was cleared. According to the aerial photo in 2018 (**Plan FA-3h**) and the site photos taken in July and August 2019 (**Plans FA-4a** to **4b**), the Site is mainly covered by grass, while the western portion of the Site is covered by mixture of sand and debris of asphalt, and piles of sand, stones and construction waste are observed at the northern and eastern part of the Site. Since 2013, the Site has not been involved in any enforcement action.

(b) Suitability of soil for farming

- 2.3 DAFC advised that as revealed from site inspection in June 2019, the Site is mainly covered by soil which is considered suitable for cultivation purpose. However, piles of a mixture of sand, large stones and construction wastes are found at the eastern part of the Site, whereas a mixture of asphalt and sand is also found at the western part. These mixtures are considered not suitable for cultivation purpose. As such, the potential of agricultural rehabilitation for the Site is still high, if these wastes are removed.
- 2.4 In response to DAFC's comment, the applicant submitted FI (**Annex F-IIIa**) stating that these materials will be removed by the applicant. DAFC has no further comment on the FI and maintains his previous view of no strong view on the application from agricultural point of view.

(c) Clarification from the applicant on the use of structures

- 2.5 The applicant provided further details on the operation of the proposed hobby farm and use of the temporary structures (**Annex F-IIIa** and **IIIb**). Visitors are required to book in advance prior to their visit. For the proposed 11 temporary

structures at the Site (**Drawing FA-1**), registration will be carried out at structure B3 (reception) and visitors will be assigned into groups. A maximum of three groups of visitors will be served at the same time. Structures B5 to B7 (agricultural education rooms) will accommodate groups of visitors where basic farming knowledge will be taught by staff. Structure B11 is a rain shelter for an artificial prawn fishing pond which can be enjoyed by visitors who are not interested in farming. Structure B4 (children playroom) is for the young visitors. Structures B8 to B10 are farmer resting rooms where visitors can take rest and get changed before leaving the Site. Light refreshments are provided for visitors at structure B2 (light refreshment kiosk). The remaining structure (B1) is for storage of farm tool. The applicant stated that the proposed number of structures is considered reasonable for the operation.

3. Planning Considerations and Assessments

- 3.1 The Committee's concerns were mainly on the site history, whether the Site is suitable for farming and the applicant's rationale for the proposed structures on-site. Further information from DAFC and the applicant was sought regarding members' requested information as stated in paragraph 1.2 above.
- 3.2 Part of the Site involved previous enforcement action for unauthorized filling of land. Compliance Notice for the RN requiring the reinstatement of the site by removing debris, stones and gravels and to grass the land was issued on 10.9.2013. According to the aerial photos of 2014 and 2015 (**Plans FA-3d and 3e**), it is noted that the Site was generally covered by vegetation. While clearance of vegetation was observed in 2016 and 2017 as shown on aerial photos, the Site has not been involved in any enforcement action since 2013.
- 3.3 Regarding the suitability of soil on-site for farming, DAFC has advised that the Site is mainly covered by soil which is considered suitable for cultivation purpose. While piles of mixture of sand, large stones and construction waste and mixture of sand and debris of asphalt which are not suitable for cultivation purpose were found at the Site, DAFC advised that if these wastes are removed, the agricultural rehabilitation potential of the Site is still high. In response, the applicant has advised that the waste will be removed. According to the applicant's proposal, about 53% of the Site will be used for farming and the remaining area of the Site will be soil ground. DAFC has advised that their previous comment on no strong view on the application from agricultural point of view is still valid. Based on DAFC's comment and the applicant's information, it is considered that the proposed temporary hobby farm for a period of 5 years is generally in line with the planning intention of the "AGR" zone which is to retain and safeguard food quality agricultural land for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Approval of the application on a temporary basis for a period of 5 years would not frustrate the long-term planning intention of the "AGR" zone.

- 3.4 A total of 11 one-storey temporary structures (about 3m high) with a total floor area of 2,268m² are proposed at the Site (**Drawing FA-1**). The applicant advised that the number of structures is considered reasonable for its operation. For the maximum 30 visitors to be accommodated at the Site at the same time, they will be divided in three groups. Three structures (B5 to B7) will be used to provide agricultural knowledge and another three structures (B8 to B10) will be used for resting and changing rooms for the visitors. Another 2 structures (B4 and B11) for rain shelter of the prawn fishing pond and children play room will be for visitors not participating in farming. The remaining structures will be used for reception, storage of farm tool, and refreshment kiosk (B1 to B3). Taken into account the operation details above and noting that more than half of the Site will be used for farming purpose, it is considered that the number of structures at the Site for the proposed temporary hobby farm is not excessive.
- 3.5 The proposed temporary hobby farm is considered not incompatible with the surrounding land uses which are rural in character predominated by cultivated/fallow agricultural land, open storage yard, plant nursery and vacant/unused land. Relevant departments consulted including Commissioner for Transport, Director of Environmental Protection and Chief Engineer/Mainland North of Drainage Services Department have no adverse comment on the application. Chief Town Planner/Urban Design & Landscape (CTP/UD&L) of PlanD has some reservations to the application as approval of the application would set an undesirable precedent for similar site modification within the “AGR” zone prior to approval. Nevertheless, she considers that the proposed development is not incompatible with the existing landscape setting and no further landscape impact is anticipated.
- 3.6 The Site was involved in a previous application (No. A/YL-KTN/394) for temporary field study/education centre and hobby farm which was rejected on review by the Board on 14.6.2013 mainly on the grounds that the site was subject to unauthorized land filling and the filling materials were not suitable for cultivation; no detailed information on the design and operation of the proposed development; failed to demonstrate that the development would not generate adverse landscape and drainage impacts; and setting undesirable precedent (details as stated in paragraph 5 of **Annex F-I**). In this regard, it is noted that reinstatement works for the unauthorized land filling at the Site (including removing the debris and grassing the land) had been carried out and Compliance Notices were issued in 2013. Also, the applicant provided in the current application the operation details of the proposed hobby farm including the operation mode, activities to be carried out, number of visitors, etc. It is considered that the current application is subject to different circumstance when compared with the previous rejected application. Besides, since the rejection of the previous application in 2013, 18 similar applications for temporary hobby farm were approved with conditions by the Committee

between 2015 and 2019 on the same “AGR” zone, including one on the immediate east of the Site (**Plan FA-1**).

- 3.7 Regarding the four public comments objecting to the application as stated in paragraph 11 of **Annex F-I**, relevant Government departments’ comment and planning assessments and considerations as stated above are relevant.

4. Planning Department’s Views

- 4.1 Based on the assessments made in paragraph 3 above, PlanD maintains its view of having no objection to the proposed temporary place of recreation, sports or culture (hobby farm) for a period of 5 years.
- 4.2 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 16.8.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 5:00pm and 10:00am, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) 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;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) 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 16.2.2020;
- (f) in relation to (e) 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 16.5.2020;
- (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 16.2.2020;

- (h) in relation to (g) above, the provision of 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 16.5.2020;
- (i) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (j) if any of the above planning conditions (e), (f), (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; and
- (k) upon expiry of the planning permission, 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 at **Annex F-IV**.

5. Decision Sought

- 5.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permissions.
- 5.2 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.
- 5.3 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.

6. Attachments

Annex F-I	RNTPC Paper No. A/YL-KTN/649
Annex F-II	Extract of Minutes of the Committee's Meeting held on 3.5.2019
Annex F-IIIa	FI submitted by the applicant on 26.6.2019
Annex F-IIIb	FI submitted by the applicant on 7.8.2019
Annex F-IV	Advisory Clauses
Drawing FA-1	Site Layout Plan

Plan FA-1	Location Plan
Plan FA-2	Site Plan
Plan FA-3a	Aerial Photo of 1990
Plan FA-3b	Aerial Photo of 1995
Plan FA-3c	Aerial Photo of 2012
Plan FA-3d	Aerial Photo of 2014
Plan FA-3e	Aerial Photo of 2015
Plan FA-3f	Aerial Photo of 2016
Plan FA-3g	Aerial Photo of 2017
Plan FA-3h	Aerial Photo of 2018
Plan FA-4a to 4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2019**