

**APPLICATION FOR PERMISSON**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-LFS/366**

- Applicant** : Mr. Chan Yu Him represented by Metro Planning & Development Company Limited
- Site** : Lots 626, 710 and 712 in D.D. 129 and adjoining Government Land (GL), Lau Fau Shan, Yuen Long
- Site Area** : About 2,300 m<sup>2</sup> (including about 130 m<sup>2</sup> of GL (about 5.65%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “GB”. According to the Notes of the OZP for the “GB” zone, ‘Place of Recreation, Sports or Culture’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and covered with grass and trees.
- 1.2 The Site involves one previous planning application (No. A/YL-LFS/278) (**Plan A-1**) covering the same site for the same use, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 20.11.2015. However, the planning permission was revoked on 8.1.2016 due to non-compliance with approval condition regarding no land filling or increase in site formation level on the site. Compared with the previous application (No. A/YL-LFS/278), the current application was submitted by a different applicant with similar layout and development parameters covering the same site.
- 1.3 According to the applicant, the Site is accessible from Deep Bay Road via a

local access road (**Drawing A-1, Plans A-1 and A-3**). The ingress/egress point is located at the south-western boundary of the Site (**Drawing A-2 and Plan A-2**). As shown on the proposed layout plan at **Drawing A-2** and indicated in the submissions, 8 single-storey structures with a total floor area of about 1,265 m<sup>2</sup> and building heights of not more than 3 m are proposed, including 3 greenhouses (about 880 m<sup>2</sup>), 2 storages of agricultural tools, a site office, a shroff with toilet and a rain shelter for 8 private car parking spaces. About 1,280 m<sup>2</sup> of the Site (56%) including the greenhouses (about 880 m<sup>2</sup>) and part of the uncovered area (about 400 m<sup>2</sup>) will be reserved for hobby farm (cultivation) use. The applicant also proposes to landscape the vehicle parking and manoeuvring areas with short grass (i.e. about 416 m<sup>2</sup> or 18% of the Site). The operation hours of the proposed development will be from 9:00 a.m. to 7:30 p.m. daily. The proposed vehicular access plan, layout plan and drainage plan are at **Drawings A-1 to A-3** respectively.

1.4 A comparison of the major development parameters of the current application and the last approved application No. A/YL-LFS/278 is given in the following table:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/YL-LFS/278) (a)</b>	<b>Current Application (A/YL-LFS/366) (b)</b>	<b>Difference (b) – (a)</b>
Site Area	about 2,300 m <sup>2</sup>	about 2,300 m <sup>2</sup>	No change
Proposed Use	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	No change
No. of Structures	9 (1) three greenhouses (2) two storages of agricultural tools (3) two site offices (4) a shroff (5) a rain shelter for 10 private car parking spaces	8 (1) three greenhouses (2) two storages of agricultural tools (3) a site office (4) a shroff with toilet (5) a rain shelter for 8 private car parking spaces	-1 (-1 site office; a toilet is proposed with the shroff)
Total Gross Floor Area (GFA)	1,420 m <sup>2</sup>	1,265 m <sup>2</sup>	-155 m <sup>2</sup>
Farming Area	N.A.	400 m <sup>2</sup>	+400 m <sup>2</sup>
Private Car Parking Spaces	10	8	-2

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 23.6.2020 with location (**Appendix I**) plan, proposed layout plan and proposed drainage plan
  - (b) Further Information (FI) received on (**Appendix Ia**) 21.9.2020 providing responses to the comments of the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) and enclosing a revised layout plan (*exempted from publication and recounting requirements*)
  - (c) FI received on 21.10.2020 providing responses to the (**Appendix Ib**) comments of CTP/UD&L, PlanD and enclosing a revised layout plan (*exempted from publication and recounting requirements*)
- 1.6 On 21.8.2020, the Board agreed to defer a decision on the application for two months as requested by the applicant. The applicant submitted FI on 21.9.2020 and 21.10.2020 and the application is scheduled to be considered at this meeting.

## **2. Justification from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at **Appendices I, Ia and Ib**. They are summarized as follows:

- (a) The proposed development is a passive recreational outlet by providing an opportunity for visitors to experience farming, which is in line with the planning intention of the "GB" zone.
- (b) The proposed development is compatible with the surrounding environment, which is in line with the Town Planning Board Guidelines for "Application for Development within the Green Belt Zone under Section 16 of the Town Planning Ordinance".
- (c) The Site is subject to a previous approved application (No. A/YL-LFS/278). The current application is about the same as the last planning permission in terms of site area and total GFA. Similar application (No. A/YL-LFS/343) has also been approved by the Board within the same "GB" zone.
- (d) The proposed development will accommodate a maximum of 32 visitors and 8 private cars a day, the use of public announcement system is not allowed and there will be no operation during sensitive hours. A drainage proposal is also submitted. So the potential traffic, noise, environmental and drainage impacts to the surrounding area will be minimal.
- (e) No site formation and land filling will be carried out. The proposed

structures at the Site will be only erected by iron beams and covered with transparent polythene sheets. As such, they can be erected although the surface of the Site is undulating.

- (f) Although there is level difference between the entrance area and the parking area, test drive of private car to enter the Site from the entrance was successfully attempted.

### **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 site notice and sending notice to the Ping Shan Rural Committee by a registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, TPB PG-No. 31A is not applicable.

### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for “Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10) are relevant to the application. The relevant assessment criteria are summarised as follows and detailed at **Appendix II**.

- (a) there is a general presumption against development (other than redevelopment) in “GB” zone. In general, the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use;
- (b) an application for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds;
- (c) passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration;
- (d) the design and layout of any proposed development should be compatible with the surrounding area. It should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, and cause any adverse visual impact on the surrounding environment;
- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, road and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (f) the vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural

landscape features; and

- (g) any proposed development on a slope or hillside should not adversely affect slope stability.

## 5. **Background**

The Site is not subject to any active planning enforcement action. However, most of the Site is subject to a previous enforcement case (No. E/YL-LFS/390) and the alleged unauthorized development (UD) was filling of land. The Enforcement Notice was issued to the registered land owners on 22.1.2016 requiring the UD to be discontinued by 29.1.2016. Upon discontinuation of the UD, Reinstatement Notice (RN) was issued on 26.7.2016 requiring to remove the leftover, debris and fill materials (including hard-paving) on the land and to grass the land by 26.10.2016. Compliance Notices for RN were issued on 6.7.2017 and 11.7.2017 to the concerned notice recipients under the Town Planning Ordinance.

## 6. **Previous Application**

The Site involves one previous planning application (No. A/YL-LFS/278) covering the same site for the same use, which was approved with conditions for a period of 3 years by the Committee on 20.11.2015, mainly on the considerations of not entirely in conflict with the planning intention of the “GB” zone, not incompatible with the surrounding land uses, not contravening with TPB PG-No. 10 and no adverse comment from concerned Government departments. However, the planning permission was revoked on 8.1.2016 due to non-compliance with approval condition of no land filling or increase in site formation level. Details of the previous application is summarised at **Appendix III** and its location is shown on **Plan A-1**. Compared with the previous application, the current application was submitted by a different applicant with similar layout and development parameters covering the same site for the same use.

## 7. **Similar Applications**

- 7.1 There are 12 similar applications (No. A/YL-LFS/39, 56, 63, 86, 135, 166, 172, 302, 304, 311, 343 and 344) within the same “GB” zone, in which 10 applications were approved by the Committee/Board and 2 were rejected. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.
- 7.2 The 2 rejected applications involved more or less the same site (**Plan A-1**). Application No. A/YL-LFS/302 for proposed temporary place of recreation, sports or culture (hobby farm and fishing ground) was rejected by the Committee on 8.12.2017. Application No. A/YL-LFS/344 for proposed temporary place of recreation, sports or culture (fishing ground) was rejected by the Committee on 2.8.2019. The rejection reasons for these 2 applications mainly included not in line with the planning intention of the “GB” zone, not complying with the TPB PG-No. 10 in respect of extensive hard paving/

clearance of natural vegetation or affecting the natural landscape, not complying with the Town Planning Board Guidelines for “Application for Development within Deep Bay Area” (TPB PG-No.12C) in that it would affect the ecological integrity of the existing fish pond, insufficient information to demonstrate no adverse traffic, environmental and/or drainage impacts, and/or undesirable precedent.

- 7.3 For the 10 approved applications, they covered 7 sites (**Plan A-1**). Application No. A/YL-LFS/39 for proposed recreational uses including barbecue spot, playground, refreshment kiosk, visitor centre, public car park and ancillary uses at a site partly zoned “GB” and partly zoned “Village Type Development” was approved with conditions by the Committee on 14.5.1999 mainly on the considerations of the applied development primarily rural in character and not affecting natural landscape, no filling of existing pond, compatible with the surrounding land uses and no adverse environmental and traffic impacts.
- 7.4 Application No. A/YL-LFS/56 for proposed recreational development including garden, fishing ground, barbecue spot, refreshment kiosk, public car park with ancillary facilities was approved with conditions by the Committee on 28.7.2000 mainly on the considerations of in line with the planning intention of the “GB” zone, compatible with the surrounding environment, no significant traffic and environment impacts to the area and no adverse departmental comments. However, the approved development had not been implemented and the planning permission lapsed on 29.7.2003.
- 7.5 Applications No. A/YL-LFS/63, 86 and 135 covered the same site for refreshment kiosk with ancillary car park use. They were approved/approved upon review with conditions by the Committee/Board between 2001 and 2005 for a period of 1 year or 3 years on the considerations of not incompatible with the surrounding rural area, no major adverse comments from concerned departments, and imposing relevant approval conditions to address technical concerns. However, the planning permission of Application No. A/YL-LFS/135 was revoked on 20.12.2005 due to non-compliance with approval conditions regarding prohibition of overnight accommodation and erection of additional structures other than those approved.
- 7.6 Application No. A/YL-LFS/166 for temporary hobby farming (organic farm and education centre) for a period of 3 years was approved by the Committee on 14.12.2007 on the considerations of not in conflict with the planning intention of the “GB” zone, compatible with the rural character of the area and no significant traffic and environmental impacts expected. The planning permission was revoked on 14.9.2008 due to non-compliance with approval conditions regarding the submission of a revised drainage impact assessment, implementation of landscape and tree preservation proposal and provision of fire service installations (FSIs).
- 7.7 Applications No. A/YL-LFS/172 and 304 covered the same site for similar proposed recreational uses (including barbecue spot, refreshment kiosk, hobby farming, children playground and ancillary public car park) were approved with conditions by the Committee on 7.3.2008 and 6.4.2018 mainly on the

considerations that the proposed uses were compatible with the surrounding land uses, not in conflict with the planning intention of the “GB” zone, in line with the TPB PG-No.10, no significant traffic and environmental impacts on the surrounding areas, no adverse departmental comments, addressing departmental concern by imposing approval conditions and in line with the Committee’s previous decisions. Both of the approved developments had not been implemented. Application No. A/YL-LFS/172 lapsed on 8.3.2012 while the planning permission of Application No. A/YL-LFS/304 was revoked on 7.1.2020 due to non-compliance with approval conditions on fencing, drainage, FSIs as well as tree preservation and landscape aspects.

- 7.8 Applications No. A/YL-LFS/311 and 343 covered different sites but of same use for temporary place of recreation, sports or culture (hobby farm) for a period of 3 years were approved by the Committee on 3.8.2015 and 5.7.2019 on similar considerations as Application No. A/YL-LFS/166. However, the planning permission of Application No. A/YL-LFS/311 was revoked on 3.11.2019 due to non-compliance with all the time-limited approval conditions except the submission of FSIs proposal.

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

8.1 The Site is:

- (a) currently vacant and covered with vegetation. Its ground level slopes down from the east at about +6.6 mPD to the west at about +4.9 mPD; and
- (b) accessible via a local access road from Deep Bay Road. Its ground level slopes down from the east at about +9.5 mPD to the west at about +7.2 mPD.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north are fallow agricultural land. To its further north are open storages yards which are suspected UD and vacant land;
- (b) to its east are a residential dwelling (being about 18 m away) and fallow agricultural land;
- (c) to its south are orchards, storage sites and vacant land; and
- (d) to its west are some residential structures, a storage site and vacant land.

## **9. Planning Intention**

The planning intention of “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against

development within this zone. However, limited development may be permitted if they are justified on strong planning grounds.

## **10. Comments from Relevant Government Departments**

10.1 The following Government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

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

- (a) The Site comprises GL and Old Schedule Agricultural Lots (OSALs). The OSALs are 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) No permission is given for occupation of the GL included in the Site (about 130m<sup>2</sup> subject to verification). The act of occupation of GL without Government's prior approval is not allowed.
- (c) Should planning approval be given to the planning application, the lot owner(s) of the lot(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or to regularize any irregularity on site, if any. Also, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.

### **Nature Conservation**

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

The Site falls within the "GB" zone. The Site is an abandoned field with scattered trees. There is a natural watercourse to the north of the Site. While she has no strong view on the application from nature conservation point of view, the applicant should ensure that the proposed development would not adversely affect the watercourse in the vicinity.



**Environment**

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

- (a) ~~The proposed development would not involve operation of heavy vehicles nor dusty operations. Therefore, he has no adverse comment on the application.~~ ***The proposed development includes recreational uses within Deep Bay Buffer Zone 2. According to Item P.1, Part I of Schedule 2 of the Environmental Impact Assessment Ordinance (EIAO), "A residential or recreational development, other than New Territories exempted houses, within Deep Bay Buffer Zone 1 or 2" is a Designated Project (DP). An Environmental Permit is required for construction and operation of a DP under the EIAO.***
- (b) ***For this planning application, he does not see major issue from the environmental pollution point of view. The applicant is reminded to implement good site practices and good housekeeping to avoid causing environmental impacts to the surrounding areas. Nevertheless, further assessments would be conducted to confirm its environmental acceptability under the statutory EIAO process.***
- (c) No environmental complaint pertaining to the Site has been received in the past three years.
- (d) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' (COP).

**Traffic**

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

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from the public roads.
- (c) The local track leading to the Site is not under Transport Department (TD)'s purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

10.1.5 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road.

**Landscaping**

10.1.6 Comments of the CTP/UD&L, PlanD:

- (a) According to the aerial photo of 2019 and the site visit conducted, the Site is vacant and covered with dense self-seeded vegetation, such as *Micanthus sinensis* (草) and *Leucaena*

*leucocephala* (銀合歡). A *Ficus microcarpa* (細葉榕) in poor health condition with sparse foliage is observed at the northeastern part of the Site. The Site is located in an area of rural coastal plain predominated by woodlands and farmlands, with some temporary structures and open storage yards observed in the proximity. The proposed development is considered not entirely incompatible with the surrounding environment.

- (b) Having reviewed the submitted FI (**Appendices Ia and Ib**), she has no objection to the application from landscape planning perspective.
- (c) The applicant is advised that approval of the application does not imply approval of the trees works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain necessary approval on tree works.
- (d) In view that the Site is not facing public frontage and adverse landscape impact arising from the proposed development is not envisaged, it is considered not necessary to impose any landscape condition should the application be approved by the Board.

### **Building Matters**

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

- (a) There is no record of approval granted by the Building Authority (BA) for the existing structures at the Site and BD is not in a position to offer comment on the suitability for the use proposed in the application.
- (b) If the existing structures (not being a New Territories Exempted Houses) are erected on leased land without the approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA

should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (f) The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

### **Geotechnical**

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

The applicant is advised to submit the proposed building works to BD for approval as required under the provisions of the BO.

### **Drainage**

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

- (a) He has no objection in principle to the application from drainage point of view, but he has some technical comments on the drainage proposal. Detailed comments are available at **Appendix VI**.
- (b) Should the application be approved, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to his satisfaction.

### **Fire Safety**

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

- (a) He has no objection in principle to the proposal subject to FSIs being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where

the proposed FSIs to be installed should be clearly marked on the layout plans.

- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **District Officer's Comments**

10.1.11 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

His office has not received any comment from the locals on the application.

10.2 The following Government departments have no comment on/objection to the application:

- (a) Project Manager (West), CEDD (PM(W), CEDD);
- (b) Principal Project Coordinator/Special Duty, DSD (PPC/SD, DSD);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Director of Leisure and Cultural Services (DLCS);
- (e) Commissioner of Police (C of P); and
- (f) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

## **11. Public Comments Received During Statutory Publication Period**

On 30.6.2020, the application was published for public inspection. During the statutory public inspection period, 3 public comments were received from World Wide Fund for Nature Hong Kong, Designing Hong Kong and an individual (**Appendices V-1 to V-3**) objecting to the application and their reasons are summarized below:

- (a) the proposed development is not in line with the planning intention of the "GB" zone and TPB PG-No. 10;
- (b) the proposed development will set an undesirable precedent for similar applications within the "GB" zone;
- (c) the Board should not encourage "destroy first, development later" practices;
- (d) the proposed development has limited area for cultivation use which may discourage people to use the open air environment and do real farming; and
- (e) the approval of the application is not in line with the Board's previous decisions.

## 12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years at the Site zoned “GB” on the OZP. The planning intention of “GB” zone is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. However, limited development may be permitted if they are justified on strong planning grounds. According to the applicant’s proposed layout plan (**Drawing A-2**), about 56% of the Site (about 1,280 m<sup>2</sup>) is proposed for farming purpose including 3 greenhouses (about 880 m<sup>2</sup>) and farming area (about 400 m<sup>2</sup>) while about 18% of the Site (about 416 m<sup>2</sup>) is proposed for vehicle parking and manoeuvring area surfaced by grass paving. The remaining area is mainly proposed for erecting temporary structures for ancillary uses of storage of agricultural tools, site office, shroff and toilet. In view of the above, the proposed development as a passive recreational use is considered not in conflict with the planning intention of the “GB”.
- 12.2 The Site is situated in an area of rural coastal plain predominated by woodlands and farmlands with some temporary structures and open storage uses. The proposed development is considered not entirely incompatible with the surrounding environment.
- 12.3 According to the TPB PG-No.10, there is a general presumption against development within the “GB” zone. New development will only be considered in exceptional circumstances and must be justified with very strong planning grounds. Passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration. The development should not affect the existing natural landscape. In this regard, as mentioned in paragraph 12.1 above, more than half of the Site (about 56%) is proposed for cultivation purpose (including 3 greenhouses and farming area). Besides, the applicant committed that no site formation/land filling will be carried out at the Site. CTP/UD&L of PlanD has no objection to the application from the landscape planning perspective. As such, the proposed use is generally in line with the TPB PG-No.10.
- 12.4 Other relevant departments including DAFC, DEP, C for T, CE/MN of DSD and D of FS have no objection to/ adverse comment on the application on the nature conservation, environmental, traffic, drainage and fire safety aspects.
- 12.5 The Committee/the Board has approved one previous application (No. A/YL-LFS/278) and 10 similar applications within the same “GB” zone for hobby farm use. Approval of the current application is in line with the Committee/Board’s previous decisions.
- 12.6 There are 3 public comments objecting to the application on the grounds as summarized in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

### 13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application for proposed temporary place of recreation, sports or culture (hobby farm) for a 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 3 years until **6.11.2023**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval Conditions

- (a) no land filling or site formation, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 7:30 pm and 9:00 am, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no use of public announcement system, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (e) 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 6.5.2021**;
- (f) in relation to (e) above, the implementation of the 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 6.8.2021**;
- (g) the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) 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 6.5.2021**;
- (i) in relation to (h) 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 6.8.2021**;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (k) if any of the above planning conditions (e), (f), (h) or (i), 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
- (l) 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 attached at **Appendix VI**.

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

the proposed use is not in line with the planning intention of the "Green Belt" zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention.

### **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 23.6.2020 with location plan, proposed layout plan and proposed drainage plan
- Appendix Ia** FI received on 21.9.2020 providing responses to the comments of CTP/UD&L, PlanD and enclosing a revised layout plan
- Appendix Ib** FI received on 21.10.2020 providing responses to the comments of CTP/UD&L, PlanD and enclosing a revised layout plan
- Appendix II** Relevant Extracts of Town Planning Board Guidelines for Application for Development within the Green Belt Zone (TPB PG-No. 10)
- Appendix III** Previous application covering the Site

<b>Appendix IV</b>	Similar applications within the same “GB” zone
<b>Appendices V-1 to V-3</b>	Public Comments
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Location Plan with Proposed Vehicular Access
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4c</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2020**