

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/311

- Applicant** : Blessed Villa Company Limited represented by R-riches Property Consultants Limited
- Site** : Lot 1564 RP (Part) in D.D.129 and adjoining Government Land, Lau Fau Shan, Yuen Long
- Site Area** : 2,275 m² (including about 97 m² of Government Land)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/8
- Zoning** : “Green Belt” (“GB”)
- Application** : Temporary Place of Recreation, Sports and 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 temporary place of recreation, sports and culture (hobby farm) for a period of 3 years (**Plan A-1**). The Site is zoned “GB”. The proposed temporary place of recreation, sports and culture (hobby farm) is regarded as a “Place of Recreation, Sports or Culture” which requires planning permission from the Town Planning Board (the Board) for development within the “GB” zone on the OZP.
- 1.2 The Site is the subject of 2 previous applications (No. A/YL-LFS/252 and 302). Applications No. A/YL-LFS/252 for temporary warehouse (storage of household materials and canned food) for a period of 3 years was rejected by the Town Planning Board (the Board) upon review on 14.2.2014. The last applications No. A/YL-LFS/302 for temporary place of recreation, sports and culture (hobby farm and fishing ground) for a period of 3 years on a much larger site was rejected by the Rural and New Town Planning Committee (the Committee) on 8.12.2017.
- 1.3 As shown on the Site layout at **Drawing A-2**, a total of 4 structures (all in one storey high) are proposed including 1 reception, 2 agricultural learning centers with activities room and 1 portable toilet with a total gross floor area (GFA) of about 630 m².

- 1.4 The ingress/egress point is located at the northern boundary. Access to the Site is via a local track from Tin Yuet Road (**Plans A-2 and A-3**). One loading/unloading space is proposed at the north-western part of the Site. According to the applicant, a portion of 766m² in area (34%) is the farm area, with the remaining areas soiled/hard paved. The expected visitors are 10 people and 20 people during weekdays and weekends respectively. There are 4 estimated vehicular trips to/out of the Site everyday. The operation hours will be between 9:00 a.m. to 6:00 p.m. everyday. The proposed landscape proposal and drainage proposal are shown at **Drawing A-3** and **A-4** respectively.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form dated 22.2.2018 **(Appendix I)**
 - (b) Further information (FI) on vehicular access plan, estimation of trip generation rate, landscape proposal and drainage proposal received on 12.3.2018 **(Appendix Ia)**
 - (c) FI on responses to departmental comments received on 27.3.2018 **(Appendix Ib)**
 - (d) FI on responses to departmental comments received on 4.6.2018 **(Appendix Ic)**
 - (e) FI on responses to departmental comments and clarification on paved ratio received on 17.7.2018 **(Appendix Id)**
- 1.6 The application was originally scheduled for consideration by the Committee on 20.4.2018. At the request of the applicant, the Committee on 20.4.2018 agreed to defer a decision for two months so as to allow time for the applicant to submit further information to address departmental comments. After the deferment, further information was received by the Board on 4.6.2018. The application is therefore 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 at **Appendix I**. They are summarized as follows:

- (a) The proposed use of the Site provides the public with farming entertainment.
- (b) The applicant would appoint experienced farmer to demonstrate farming process and maintain the farm properly.
- (c) There is no vehicle parking on the Site.
- (d) Part of the Site is hard-paved and the rest of the Site is farm and soiled ground. Landscape screening is proposed to minimize the landscape impact. The adjacent pond will be fenced off and a “no-entry” sign will be erected by the pond to minimize impact to the pond.

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. 31) by giving notification to the current owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

4.1 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) is relevant to the application. The relevant assessment criteria are summarized as follows:

- (a) there is a general presumption against development (other than redevelopment) in “GB” zone. In general, the Town Planning Board (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) the design and layout of any proposed development should be compatible with the surrounding areas. 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;
- (d) 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; and
- (e) 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.

4.2 The Town Planning Board Guidelines for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12C) are also relevant to this application. According to the said Guidelines, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarized as follows:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (b) within the WBA, for development or redevelopment which requires planning

permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

5. Background

The Site forms part of an active enforcement case (No. E/YL-LFS/427) and the alleged unauthorized development (UD) is recreation use. Enforcement notice (EN) was issued to the registered land owners and occupier on 14.8.2017 (**Plan A-2**). The said EN expired on 14.10.2017 and the inspection revealed that the UD continued. Subject to the collection of sufficient evidence, enforcement action would be instigated against the UD under the Town Planning Ordinance.

6. Previous Applications

- 6.1 The Site is the subject of 2 previous applications (No. A/YL-LFS/252 and 302). Details of these previous applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-LFS/252 for temporary warehouse (storage of household materials and canned food) for a period of 3 years was rejected by the Board upon review on 14.2.2014. Applications No. A/YL-LFS/302 for temporary place of recreation, sports and culture (hobby farm and fishing ground) for a period of 3 years was rejected by the Committee on 8.12.2017 on the grounds of not in line with the planning intention and not in line with the Town Planning Board Guidelines No. 10 for Development within the Green Belt Zone, as the proposed development involved large area for hard paving and no landscape proposal was submitted.
- 6.3 Compare with the last Planning Application No. A/YL-LFS/302, the current application is submitted by the same applicant for farming and agricultural learning centre uses without fishing ground and pond filling/excavation works on a smaller site (-9,667 m²) within the same “GB” zone.
- 6.4 A comparison of the major development parameters of the current application and the last rejected application is given in the following table:

Major Development Parameters	Last Rejected Application (A/YL-LFS/302) (a)	Current Application (A/YL-LFS/311) (b)	Difference (b) – (a)
Site Area	about 11,942 m ²	about 2,275 m ²	-9,667 m ²
Applied Use	Proposed Temporary Place of Recreation, Sports and Culture (Hobby Farm and Fishing Ground)	Proposed Temporary Place of Recreation, Sports and Culture (Hobby Farm)	Excluded the Fishing Ground
No. of Structure(s)	10 (all in 1 storey high	4 (all in one storey	-6 structures

	and of 3.5m high) (1) 2 fishing facilities (2) a refreshment kiosk (3) an activity room (4) 2 storage rooms (5) a staff canteen (6) a customer lounge (7) 2 portable toilets	high) (1) a reception of 4.2m high (2) 2 agricultural learning centers with activities room of 4.2m high (3) a portable toilet of 3m high	
Total GFA	767.4 m ²	630 m ²	-137.4 m ²
Car Parking Spaces	8	0	-8
loading/unloading bay	1	1	-

7. Similar Applications

- 7.1 There are 6 similar applications (No. A/YL-LFS/31, 127, 166, 172, 278 and 304) within the same “GB” zone, in which 4 were approved by the Committee and 2 were rejected by the Board upon review. Details of these applications are summarised at **Appendix III** and their locations are shown in **Plan A-1**.
- 7.2 Application No. A/YL-LFS/31 for proposed pond filling and development of golf driving range with ancillary private club, conservation and recreation facilities was rejected by the Board upon review on 18.12.1998 and Application No. A/YL-LFS/127 for proposed temporary roller skating rink was rejected by the Board upon review on 17.6.2005 for the reasons that the development did not comply with the Town Planning Board Guidelines for “Application for Development within Green Belt Zone” in that the proposed development involved extensive clearance of natural vegetation cover, there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, drainage and landscape impacts on the surrounding areas.
- 7.3 Applications No. A/YL-LFS/166, 172, 278 and 304 for hobby farm, education centre and various recreational uses including BBQ spot and children playground within this part of the “GB” zone. All of them were approved with conditions by the Committee between 2007 and 2018 for the reasons that the proposed development was primarily rural in character and did not involve any pond filling or affect the existing natural landscape within the “GB” zone, compatible with the surrounding land-uses, in line with the planning intention of the “GB” zone and no significant traffic and environmental impacts to the area.

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

8.1 The Site is:

- (a) currently used for recreational use (including barbecue spot and game

stalls) without valid planning permission; and

- (b) accessible via a local track from Tin Yuet Road.

8.2 The surrounding areas have the following characteristics:

- (a) predominately fallow agricultural land, pond, residential structures, open storage yards and vacant land; and
- (b) to its southeast are open storage yards and dumping of recycled materials which are suspected UD.

9. **Planning Intention**

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.

10. **Comments from Relevant Government Departments**

10.1 The following Government departments have been consulted and their views are summarized as follows:

Land Administration

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

- (a) The Site comprises an Old Schedule Agricultural Lot 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 Government Land (GL) of about 97m² in area (subject to verification) included in the Site. The act of occupation of the GL without Government’s prior approval is not allowed.
- (c) The Site is accessible to Tin Yuet Road through GL only. She provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should the planning application be approved, the lot owner will need to apply to her office to permit the structures to be erected or

regularize any irregularity on Site. Besides, 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. Such application will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

Environment

10.1.2 Comment of the Director of Environmental Protection (DEP):

- (a) No environmental complaint pertaining to the Site has been received in the past 3 years.
- (b) According to the applicant, the operation hours of the proposed hobby farm are 9am to 6pm daily; a portable toilet would be provided for sewage collection and a drainage system would be in place to collect site run-off. Provided that these measures would be properly implemented and no public address system / loud hailer would be used, he has no objection to the application.
- (c) 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

10.1.3 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) The Site can be accessed to an unnamed local track which is a single track road. On the basis of no parking spaces are proposed within the Site and the number of visitors would not exceed 20 persons per day, he has no adverse comment on the application from traffic engineering point of view.
- (b) The applicant shall remind visitors to arrive the Site by using public transport services.

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

- (a) The access arrangement should be commented by TD.
- (b) If the proposed access arrangement is agreed by TD, a proper road connection or run-in/out should be constructed to the satisfactory of TD and HyD.

- (c) There is drainage channel across the proposed access point or run-in/out, the applicant should maintain its capacity and functionality. Since the drainage channel is not maintained by his office, comment from the relevant maintenance party/department is relevant.
- (d) Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (e) HyD shall not be responsible for the maintenance of any access connecting the Site and nearby public road.

Drainage

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

- (a) He has no objection in principle to the proposed application from drainage point of view. Comments on the submitted drainage proposal are detailed at **Appendix IV**.
- (b) Should the application be approved from planning point of view, 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 the satisfaction of his Division.

Landscaping

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

- (a) The Site, located between Tin Heng Estate and Mong Tseng Tsuen, lies in an area zoned “GB”. The Site is the subject of last rejected application A/YL-LFS/302 for temporary hobby farm and fishing ground use to which he had reservations from the landscape planning perspective. The current application seeks planning approval for similar use by the same applicant on a similar site.
- (b) With reference to the site photos and aerial photo of 2017, the Site is hard paved and occupied by a number of temporary tensile structures. Existing trees and active farm is observed adjoining the western boundary. A well-established large tree growing at the southern portion of the Site should be clarified. To the immediate east of the Site is a large fish pond. The Site is situated in an area of rural landscape character dominated by wooded areas, temporary structures and fish ponds, The proposed use is not entirely incompatible with the surrounding environment.
- (c) When comparing the aerial photos of 2012 and 2015 it is observed

that the vegetation including the trees and shrubs along the site boundary are missing and the Site is hard paved. Furthermore, a portion of active farm adjoining the southern portion of the Site is observed to be cleared and substantially hard paved. Hence landscape impact has taken place.

- (d) Noted the Applicant proposes site formation works to form the terraced site to general levels of +5.3 ~ +5.5 mPD, hence further landscape impact is envisaged.
- (e) In view of the above, he has reservations on the application from landscape planning perspective. Approval of the application may set an undesirable precedent, likely encouraging other similar applications to form the site prior planning approval is obtained. The cumulative impact of which would lead to the general degradation of the rural landscape character and the integrity of the "Green Belt" zone.
- (f) Should the TPB approve the application, he would recommend the following landscape condition to be included in the permission:

The submission and implementation of a tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.

- (g) The applicant is advised that the approval of the landscape proposal by the TPB under S.16 application does not imply the approval of the tree works such as pruning, transplanting and felling under lease. Tree work applications should be submitted direct to DLO for approval.

Agriculture and Conservation

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

- (a) The Site is part of a larger hobby farm which includes the adjacent pond and vegetables fields, and the larger hobby farm area is the subject of a previous planning application No. A/YL-LFS/302 which was rejected in December 2017. The existing entrance of the hobby farm is next to the fish pond and the vegetable fields.
- (b) The applicant proposes in the FI some measures to prevent disturbance and pollution to the adjacent pond arising from the proposed hobby farm at the Site: fence will be erected at the eastern boundary of the Site and the adjacent pond will be fenced-off; the proposed ingress/egress will be located at the northern boundary of the Site so that visitors could enter the Site without passing the adjacent pond; "no-entry" sign will also be erected by the pond. The applicant has also indicated in the application that no land/pond filling, excavation and tree felling

will be involved for the proposed development. She also notes that the Site is currently occupied by some temporary structures. In view of the above, she has no strong view on the application from nature conservation point of view.

- (c) From agricultural point of view, as long as agricultural activities will be involved and no paving on the proposed farm area of the Site will be proposed, she has no strong view on the application.
- (d) Should the application be approved, she would suggest that an appropriate approval condition should be imposed to the satisfaction of the Director of Planning or of the TPB to ensure that the measures suggested by the applicant in the FI will be implemented. The applicant is also advised to implement necessary measures to avoid causing disturbance or pollution to the adjacent pond and the nearby Hong Kong Wetland Park.

Building Matters

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

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Department (BD), they are unauthorized building works (UBW) under the Building Ordinance (BO) and should not be designated for any proposed use under the application.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's 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.
- (c) Before any new building works (including containers/open sheds as temporary buildings and land filing) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (d) 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 respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should also 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 FSI to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

District Officer's Comments

10.1.10 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 the application:

- (a) Project Manager (West), West Development Office, Civil Engineering and Development Department (PM (W)/WDO, CEDD);
- (b) Chief Engineer/Sewerage Projects, Drainage Services Department (CE/SP, DSD);
- (c) Commissioner of Police (C of P); and
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

On 2.3.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 23.3.2018, five public comments from a member of the public, environmental concern group, Designing Hong Kong Limited, Kadoorie Farm & Botanic Garden Corporation and the World Wide Fund for Nature Hong Kong (**Appendix Va to Ve**). All are objecting to the application and their main reasons are summarized below:

- (a) not in line with the planning intention of the "GB" zone and there is a general presumption against development within "GB" zone;
- (b) not in line with the Town Planning Board Guidelines No. 10. and would affect the

- natural landscape;
- (c) potential impacts (e.g. traffic, flooding, noise, visual, environmental impacts and human disturbance) to the ecologically-sensitive areas;
- (d) lack of various impact assessments;
- (e) undesirable precedent for future similar applications with the “GB” zone;
- (f) “develop first, apply later”;
- (g) suspected occupation of the GL without Government’s prior approval; and
- (h) the previous application (A/YL-LFS/302) for the same use was rejected by the Board.

12. Planning Considerations and Assessment

- 12.1 The Site is zoned “GB” on the respective OZPs. 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. The proposed temporary place of recreation, sports and culture (hobby farm) which will not include any barbeque activity and fishing ground, is not in conflict with the planning intention of the “GB” zone. According to the applicant, only the reception, agriculture learning centers and activities room (about 984 m² in total or 43%) will be hard-paved and he will un-pave the remaining part of the Site for farm area (34%) and soil ground (23%) purposes.
- 12.2 The proposed development with 4 structures (i.e. about 28% of the Site) for reception, agriculture learning centers, activities room and toilet (a total GFA of about 630m²) and the remaining areas for farm area (about 766m² or 34%) and soiled ground for service area (23%), is considered not incompatible with the characters and land uses surrounding areas which are predominantly occupied by fallow agricultural land, pond, vacant land and residential structures.
- 12.3 The proposed development is generally 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 (TPB PG-No. 10) that the design and layout of the proposed development is compatible with the surrounding areas, not overstraining the capacity of existing and planned infrastructure, and not adversely affect existing trees or natural landscape character.
- 12.4 According to the TPB PG-No. 12C, the Site falls within the WBA which is intended to protect the ecological integrity of the fish ponds and wetland within the WBA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds. Since the proposed development would not involve any pond filling, excavation or tree felling works and the Site is proposed to be used as farm area, agricultural learning centre and activities room, DAFC considers that there is no ecological impact associated with the development and has no adverse comment on the application from nature conservation and agricultural perspectives.
- 12.5 There is no objection to/adverse comments on the application from Government departments concerned, including DEP, DAFC, CHE/NTW of HyD, AC for T/NT

of TD and CE/MN of DSD. The proposed development for farming, agricultural learning centre and activities uses without pond filling/excavation works under the current application is not expected to generate significant environmental, ecological, traffic and drainage impacts on the surrounding areas. The technical requirements of concerned Government departments could be addressed by appropriate approval conditions (see paragraph 13.2 below). Whilst CTP/UD&L has reservation on the application from landscape planning perspective in view of the undesirable precedent set for the approval of the application and likely encouraging other similar applications to form the site prior planning approval is obtained, to address CTP/UD&L's concerns, the relevant approval conditions requiring removal of the hard paving of the Site and submission and implementation of the tree preservation and landscape proposals are recommended.

- 12.6 The Committee has approved 4 similar applications within the same "GB" zone (**Plan A-1**) with one fallen within the WBA. Approval of the subject application is in line with the Committee's previous decisions.
- 12.7 There are 5 public comments received on the application objecting to the application as stated in paragraph 11. The government departments concerned have no objection to/adverse comments on the application. The assessments in paragraph 12.1 to 12.6 are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11, the Planning Department has no objection to the proposed temporary place of recreation, sports and culture (hobby farm) on a temporary basis 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 **3.8.2021**. The following conditions of approval and advisory clauses are also suggested for Members' 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 the planning approval period;
- (b) removal of the existing hard-paving on the Site, except the portion as proposed by the applicant, before the operation of the proposed use;
- (c) the provision of ingress/egress, as proposed by the applicant, to the satisfaction of the Director of Planning or of the Town Planning Board;
- (d) the provision of portable toilet, as proposed by the applicant, before the operation of the proposed use;
- (e) no use of public announcement system is allowed on the Site during the

planning approval period;

- (f) 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 **3.2.2019**;
- (g) in relation to (f) 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 **3.5.2019**;
- (h) the implemented drainage facilities on the Site should be maintained at all times during the approval period;
- (i) the submission of a landscape and tree preservation proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **3.2.2019**;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposals within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **3.5.2019**;
- (k) 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 **3.2.2019**;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **3.5.2019**;
- (m) the provision of fencing with erection of the “no-entry” sign by the pond within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **3.2.2019**;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) and (h) are 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;
- (o) if any of the above planning conditions (f), (g), (i), (j), (k), (l) and (m) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) 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 reasons for rejection are suggested for Members' reference:

- (a) the development is not in line with the planning intention of the Green Belt zone, which 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 no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the development is not in line with the Town Planning Board Guidelines No. 10 for Development within the Green Belt zone in that the applicant fails to demonstrate that the applied use would be compatible with the surrounding areas and would not affect the natural landscape.

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 reasons for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form dated 22.2.2018
Appendix Ia	FI on vehicular access plan, estimation of trip generation rate, landscape proposal and drainage proposal received on 12.3.2018
Appendix Ib	FI on responses to departmental comments received on 27.3.2018
Appendix Ic	FI on responses to departmental comments received on 4.6.2018
Appendix Id	FI on responses to departmental comments and clarification on paved ratio received on 17.7.2018
Appendix II	Previous applications covering the application site
Appendix III	Similar applications within the same "GB" zone on the draft Lau Fau Shan and Tsim Bei Tsui OZP
Appendix IV	Detailed comments of concerned Government departments
Appendix Va to Ve	Public Comments
Appendix VI	Advisory Clauses

Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Landscape Proposal
Drawing A-4	Drainage Proposal
Drawing A-5	Paved Ratio
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a and 4c	Site Photos

**PLANNING DEPARTMENT
AUGUST 2018**