

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/999

<u>Applicant</u>	:	448 (Fish and Vegetable) Cultivation Limited represented by R-riches Property Consultants Limited
<u>Site</u>	:	Lots 40, 124, 125, 126, 130, 417RP, 418, 419, 422RP, 496, 497, 498, 499, 500, 501, 502, 503, 504 (Part), 506, 507, 508, 509, 510, 511, 512, 544 and 2154 in D.D. 119 and Adjoining Government Land (GL), Lam Tai West Road, Yuen Long, New Territories
<u>Site Area</u>	:	19,574 m ² (about) (including about 4.7 m ² of GL)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/12
<u>Zoning</u>	:	“Green Belt” (“GB”)
<u>Application</u>	:	Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary place of recreation, sports or culture (hobby farm) for a period of 5 years (**Plan A-1a**). 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 mainly occupied by the applied use (partly with valid planning permission under planning application No. A/YL-TYST/921 and partly without valid planning permission) with a minor part left vacant (**Plans A-2, A-4a to A-4e**).
- 1.2 The Site involves six previous applications (No. A/YL-TYST/407, 507, 625, 782, 858 and 921) for various place of recreation, sports or culture uses (**Plan A-1b**). The sites of applications No. A/YL-TYST/782 and 921 collectively form the majority of the Site (i.e. covering the eastern part and western part respectively) and are relevant to the current application. Both applications (No. A/YL-TYST/782 and 921) for the same use as the current application were approved with conditions for a period of 5 years by the Rural and New Town Planning Committee (the Committee) of the Board on 27.5.2016 and 19.10.2018

respectively. However, the planning permission under application No. A/YL-TYST/782 was revoked on 27.4.2020. Compared with the relevant applications No. A/YL-TYST/782 and 921 collectively, the current application is submitted by the same applicant for the same use on a slightly larger site with similar site layout and development parameters.

1.3 According to the applicant, the hobby farm is intended to provide environmental/ agricultural education to visitors. A maximum of 18 staff members will provide guided tours and recreational farming activities for visitors. The produce are mainly vegetables and fruits which the visitors could take away for free. Some animals will be exhibited in the agricultural education rooms. There are also sandpits and outside seating areas for children and visitors' enjoyment. Entrance fee will be charged upon entering the Site. A maximum of 60 visitors are expected on Mondays to Fridays, while a maximum of 100 visitors are expected on Saturdays, Sundays and public holidays. The majority of the Site will be used as farming area (55%) and landscaping/soil ground (22%), with the remaining hard-paved for circulation and carparking purposes (17%) and occupied by structures (6%). Usage of loudspeakers, audio amplifier and public announcement systems, barbeque/camping activities and overnight stay of visitors are prohibited at the Site. The applicant also undertakes that all proposed landscape plantings/proposed drainage facilities within the Site will be provided at their own expense. Furthermore, no medium or heavy goods vehicles will be allowed to be parked or enter the Site. Plans showing the vehicular access to the Site, site layout and extent of paving of the Site submitted by the applicant are at **Drawings A-1 to A-3** respectively.

1.4 The major development parameters of the two relevant previously approved applications and the current application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/782 (a)	Previously Approved Application No. A/YL-TYST/921 (b)	Current Application No. A/YL-TYST/999 (c)	Difference (c) - [(a)+(b)]
Applied Use	Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years			--
Site Area	6,835 m ² (about) (including GL of about 2.7m ²)	12,005 m ² (about)	19,574 m ² (about) (including GL of about 4.7m ²)	+734 m ² (+3.9%)
Total Floor Area (Non-domestic)	790.02 m ²	268.75 m ²	1,270.9 m ²	+212.13 m ² (+20%)
No. and Height of Structures	8 • (for aquaponics system, plant seedling, greenhouse, sitting and standing platforms, storage room, toilet and reception/kiosk) (0.8-3.5m, 1 storey)	9 • (for farmer resting shelters, agricultural education rooms and storages) (3.5m, 1 storey)	20 • (for ticket office, greenhouses, covered outside seating accommodations, refreshment kiosk, canopy of sandpit, washrooms, agricultural education rooms and site offices) (3-7m, 1-2 storey(s))	+3 (+17.6%)

No. of Parking Spaces	26 (5m x 2m) (for private cars and light goods vehicles (LGV))	20 (5m x 2m) (for private cars)	47 (5m x 2m) (for private cars)	+1 (+2.2%)
No. of Loading/ Unloading Spaces	• one for LGV (3.5m x 7m)	• two for minibus (3m x 8m) • one for LGV (3.5m x 7m)	• two for minibus (3m x 8m) • one for LGV (3.5m x 7m)	-1 (-33.3%)
Operation Hours	9:00 a.m. to 6:00 p.m. daily		10:00 a.m. to 6:00 p.m. daily	Shorter Operation Hours

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

- (a) Application Form with appendix and plans received on 3.12.2019 (**Appendix I**)
- (b) Supplementary Information dated 9.12.2019 providing replacement pages of the Application Form and appendix (**Appendix Ia**)
- (c) Further Information (FI) dated 24.3.2020 providing responses to departmental comments, revised plans and replacement pages of the Application Form (**Appendix Ib**)
- (d) FI dated 5.5.2020 clarifying the proposed operation with replacement pages of the Application Form and revised plans (**Appendix Ic**)
- (e) FI dated 7.5.2020 clarifying the proposed vehicular access with a revised vehicular access plan (**Appendix Id**)
[(c) accepted but not exempted from publication and recounting requirements; (d) and (e) accepted and exempted from publication and recounting requirements]

1.6 On 17.1.2020, the Committee agreed to defer a decision on the application for a period of two months, as requested by the applicant's representative. On 24.3.2020, FI (**Appendix Ib**) was received and the application is submitted to the Committee for consideration at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Appendix I enclosed in the Application Form, Supplementary Information and FIs (**Appendices I to Ic**). They can be summarised as follows:

- (a) The application is for temporary use of five years and will not frustrate the long-term planning intention of the OZP. No undesirable precedent will be set as the Site is subject to previous planning permissions, with the majority of the Site

covered by planning approvals No. A/YL-TYST/782 ([sic], has since been revoked) and 921. The Site will be reinstated for amenity use upon the expiry of the planning permission.

- (b) The proposal is compatible with surrounding uses. The “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (Code of Practice) will be followed to reduce possible impact on the surrounding areas. Water from the nearby natural stream will not be used by the proposal and visitors will not be allowed to access the stream. For sewage treatment, the applicant will also follow the relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PNs) and apply for a licence under the Water Pollution Control Ordinance. Pesticide will not be applied on the farm area. Should the application be approved, the applicant will fulfil approval conditions concerning submission and implementation of run-in/out, drainage, landscape and fire service installations (FSIs) proposals, where appropriate.
- (c) Sufficient manoeuvring space will be provided within the Site and no queuing and reverse movement of vehicles onto/from public roads is allowed. As car entry is subject to prior booking, traffic flow could be managed in an efficient manner.

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 publishing newspaper notice and sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the requirements as set out in TPB PG-No. 31A are 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 this 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; and
- (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.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site involves six previous applications (No. A/YL-TYST/407, 507, 625, 782, 858 and 921) for various place of recreation, sports or culture uses. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

Rejected Application

- 6.2 Application No. A/YL-TYST/858 (covering the western part of the Site and the area to its west) for temporary place of recreation, sports or culture (hobby farm), picnic area, barbecue spot and tent camping ground was rejected by the Committee on 9.2.2018, mainly on the grounds that the development was not in line with the planning intention of the “GB” zone; and the proposal did not comply with TPB PG-No. 10 in that the proposed development would affect the existing natural landscape. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as vegetation clearance and hard-paving of the site had taken place over the years, and there was no information submitted on the existing trees and its preservation proposal.

Approved Applications

- 6.3 Applications No. A/YL-TYST/407, 507 and 625 (mainly covering the area to the north of the Site) for temporary place of recreation (war game playground) were approved with conditions by the Committee or the Board on review between 2009 and 2012 each for a period of 2 years. The first application was approved mainly on sympathetic considerations that the site was mainly an abandoned agricultural field and no tree felling was proposed; mitigation measures were proposed to prevent possible damages to the environment; there was a lack of similar recreational facilities; no local objection was received; the traffic impact was insignificant; and the potential environmental, landscape and drainage impacts could be monitored by imposing appropriate approval conditions. The latter two renewal applications were approved mainly on the considerations that the proposal could provide additional entertainment/ recreation services to the public; approval of the applications on a temporary basis would not frustrate the long-term development of the area; departmental concerns could be addressed by imposing approval conditions; and previous approval(s) had been granted. However, the planning permission under application No. A/YL-TYST/625 was subsequently

revoked on 3.7.2013 due to non-compliance with time-limited approval conditions.

- 6.4 Applications No. A/YL-TYST/782 and 921 for the same use as the current application, largely covering the eastern and western portions of the Site respectively, were approved with conditions each for a period of 5 years by the Committee on 27.5.2016 and 19.10.2018 respectively, mainly on the considerations that the proposals were not entirely incompatible with the surrounding areas; the proposals were generally in line with TPB PG-No. 10; and departmental concerns could be addressed by imposing approval conditions. However, the planning permission under application No. A/YL-TYST/782 was subsequently revoked on 27.4.2020 due to non-compliance with time-limited approval conditions. The approval conditions on the provision of boundary fence as well as submission and implementation of run-in/out, drainage and FSIs proposal under the last application (No. A/YL-TYST/921) are pending and the permission is valid until 19.10.2023.
- 6.5 Compared with the latter two applications collectively (No. A/YL-TYST/782 and 921), the current application is submitted by the same applicant for the same use on a slightly larger site with similar site layout and development parameters.

7. Similar Applications

- 7.1 There are three rejected similar applications (No. A/YL-TYST/358, 378 and 484) for various place of recreation, sports or culture uses within/straddling the subject “GB” zone. Details of these applications are summarised in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 Application No. A/YL-TYST/358 for temporary barbecue site cum green recreational playground, application No. A/YL-TYST/378 for temporary war game centre and application No. A/YL-TYST/484 for proposed temporary organic farm cum barbecue and leisure activity area, each for a period of 3 years, were rejected by the Committee between 2007 and 2010 mainly on similar considerations, among others, that the proposals were not in line with the planning intentions of the “GB” and “Residential (Group D)” zones (the latter for A/YL-TYST/358 and 484 only); and there was insufficient information to demonstrate that the proposals would not generate adverse environment, landscape, traffic and/or drainage impacts on the surrounding area.

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

- 8.1 The Site is:
- (a) accessible via Lam Tai West Road to its east (**Plans A-2 and A-3**);
 - (b) partly paved and partly fenced off; and
 - (c) mainly occupied by the applied use (partly with valid planning permission under planning application No. A/YL-TYST/921 and partly without valid planning permission) with a minor part left vacant.

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) predominately woodland, shrubland and agricultural land with scattered warehouses, open storage/storage yards, two residential structures, a war game field, parking of coach, a grave, burial urns and vacant land;
- (b) there are some residential structures to the further southeast of the Site in an area zoned “Undetermined” on the OZP;
- (c) to the east of the Site is a nullah flanked by Lam Tai West Road and Lam Tai East Road;
- (d) to its further southwest is an area zoned “Conservation Area” on the OZP; and
- (e) except for an open storage yard and a warehouse operating with valid planning permissions (No. A/YL-TYST/847 and 857), the other warehouses, open storage/storage yards, war game field and parking of coach in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

9. Planning Intention

The planning intention of the “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.

10. Comments from Relevant Government Departments

10.1 The following government departments have been consulted and their views on the application and public comments, where relevant, 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 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) Within the Site, the GL and Lots 419, 496 to 500 in D.D. 119 are currently covered by Short Term Tenancy (STT) No. 3093 and Short Term Waivers (STWs) Nos. 4702, 4703 and 4704 to permit structures erected thereon for the purpose of “Temporary Place of Recreation, Sports or Culture (Hobby Farm)”.
- (c) Should planning approval be given to the subject planning application, the STW/STT holder(s) will need to apply to her office for modification of the STW/STT conditions where

appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor 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 her department.

Traffic

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

- (a) The land status of the access road/path/track leading to the Site from Lam Tai West Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (c) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

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

- (a) If the access arrangement is agreed by Transport Department (TD), the applicant should provide the run-in/out at Lam Tai West Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (b) According to the record of his department, there are railings alongside Lam Tai West Road and the proposed access arrangement will require removal or modification of the railings. The agreement of TD should be sought before commencement of the works. The removal and modification work shall be completed to the satisfaction of TD and his department. Should the run-in/out affect roadside trees, LandsD and Leisure and Cultural Services Department should be consulted.
- (c) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

- (d) His department shall not be responsible for the maintenance of any access connecting the Site and Lam Tai West Road.

Environment

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

- (a) He has no objection to the application from environmental planning perspective provided that the development would not involve the use of any form of audio amplification system so that no environmental nuisance will be caused to nearby sensitive receivers. The applicant is also advised to follow the relevant mitigation measures and requirements in the latest Code of Practice to minimise any potential environmental nuisance.
- (b) If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction should follow the requirements of his department's ProPECC PN 5/93 – "Drainage Plans Subject to Comment by the Environmental Protection Department". It is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures.

Landscape

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

- (a) She has no objection to the application from landscape planning point of view.
- (b) Based on the site photos taken on 19.12.2019 and the aerial photo of 2019 (**Plan A-3**), the Site is located in an area of rural landscape character predominated by woodland, ponds, farmland and scattered graveyards. The application is not incompatible with the landscape character of the surrounding environment. Existing trees of common species including *Litchi chinensis* (荔枝), *Terminalia mantaly* (小葉欖仁) and *Cletis sinensis* (朴樹) in good to fair condition are recorded within the Site. It seems that the applied use is already in operation. Significant changes and disturbance to the existing landscape resources arising from the development is not anticipated.
- (c) As the development involves 2 previously approved applications (No. A/YL-TYST/782 and 921) of which the planning condition for submission and implementation of landscape proposal has been complied with, it is considered appropriate to impose an approval condition to maintain all existing trees within the Site in good condition for the duration of the planning approval period should the application be approved by the Board.

Nature Conservation and Animal Management

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

- (a) He has no strong view on the application from nature conservation point of view, as the applicant has proposed measures to preserve the existing natural stream, for example, by fencing it off from visitors, not using water from the natural stream, and proper sewage treatment.
- (b) Should the application be approved, the applicant should be advised to adopt appropriate measures to avoid causing disturbance or pollution to the existing natural stream within or immediately adjacent to the Site as well as the mature woodland in the vicinity of the Site. Trees within or adjacent to the Site should also be preserved. If landscape planting is required, the applicant is suggested to plant native species instead of exotic species as far as practicable in order to match with the surrounding woodland which comprises mainly native species.
- (c) Regarding the animals in the agricultural education rooms, according to his data base, the subject address does not associate with any licence granted by his department, nor have any applications been received regarding the Site.
- (d) The Public Health (Animals and Birds) (Exhibitions) Regulations (Cap. 139F) regulates all persons who exhibit animals or birds in return for a fee paid by the public admitted to enter the venue for the exhibition. In this regard, the applicant will need to apply for a licence if they are exhibiting the animals for a fee. The applicant should refer to the website of his department's Animal Management Division for details of the regulations.

Drainage

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

- (a) He has no objection in principle to the development.
- (b) In view of the large site area, should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the submission of a Drainage Impact Assessment (DIA) report and the implementation and maintenance of the drainage facilities proposed in the DIA report for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

10.1.8 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. The applicant should be advised on the following points:
 - (i) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy.
 - (ii) The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

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

The applicant's attention is drawn to the following points:

- (i) 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 Building Authority should be obtained, otherwise they are unauthorised building works (UBW) under the BO. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (ii) For UBW erected on leased land, enforcement action may be taken by the 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.
- (iii) The three sites shall be considered as three separate sites and 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.

- (iv) The three sites do not abut on a specified street of not less than 4.5m wide and the permitted development intensity of each individual site shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Others

10.1.10 Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, PlanD (CE/CID, PlanD):

- (a) The Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation”. According to the Recommended Outline Development Plan (RODP) of YLS promulgated on 8.8.2017, part of the Site falls within an area zoned as “Other Specified Uses” (“OU”) annotated “Hillside River Corridor with Scenic Cycle Track”, whereas the remaining part of the Site falls outside the development area of YLS.
- (b) The objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of 5 years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS.

10.1.11 Comments of the Project Manager (West), CEDD (PM(W), CEDD):

- (a) He has no objection to the application.
- (b) Based on the preliminary project boundary of the proposed YLS Development, part of the Site falls within the boundary of the proposed YLS Development – Stage 3. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong and its detailed implementation programme with phasing and packaging of works for YLS Development is being formulated.

District Officer’s Comments

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

His office has not received any feedback from locals.

10.2 The following government departments have no comment on the application:

- (a) Director of Leisure and Cultural Services (DLCS);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);

- (c) Head of the Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (d) Director of Electrical and Mechanical Services (DEMS); and
- (e) Commissioner of Police (C of P).

11. Public Comments Received During the Statutory Publication Periods

On 6.12.2019 and 3.4.2020, the application and the subsequent FI (**Appendix Ib**) were published for public inspection. During the first three weeks of the statutory public inspection periods, five comments were received from three individuals (**Appendices V-1 to V-5**). An individual supported the application as the proposal could help promote much-needed agricultural education in Hong Kong (**Appendix V-1**). Another individual raised concerns on the application on the grounds that the proposal has impacted existing landscape resources, the proposed parking is excessive, there is alleged shooting range use at the Site, the proposal would further encroach into the “GB” zone and suggested that all existing trees at the Site must be preserved (**Appendices V-3 and V-5**). An alleged inheritor for parts of the Site objected to the application mainly on the grounds that the applicant had illegally occupied his land and had not obtained prior consent from the landowners before submitting the application (**Appendices V-2 and V-4**).

12. Planning Considerations and Assessments

- 12.1 The application is for temporary place of recreation, sports or culture (hobby farm) for a period of 5 years at a site zoned “GB” on the OZP. Although there is a general presumption against development within the “GB” zone, limited developments may be permitted if they are justified on strong planning grounds. The Site will mostly be used for farming area (55%) and landscaping/soil ground (22%), with the remaining minor portion hard-paved for covered structures, essential circulation and carparking purposes. According to the applicant, the applied use is mainly intended to provide environmental/agricultural education to the visiting public, and guided tours and recreational farming activities will be provided. The nature of the proposal is considered not entirely in conflict with the planning intention of the “GB” zone, which is primarily to define the limits of urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. Whilst the Site falls partly within an area zoned “OU” annotated “Hillside River Corridor with Scenic Cycle Track” on the RODP of YLS promulgated on 8.8.2017, CE/CID, PlanD and PM(W), CEDD have no objection to the proposal.
- 12.2 The surrounding area comprises mainly woodland, shrubland and agricultural land (**Plan A-2**). The proposal is generally not incompatible with the surrounding uses in the subject “GB” zone.
- 12.3 The proposal is generally in line with TPB PG-No. 10 in that passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration; the design and layout of the proposal is compatible with the surrounding areas in that the development would not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment; and the proposal would not overstrain the capacity of existing and planned infrastructure.

- 12.4 There is no adverse comment on the application from concerned government departments, including C for T, CTP/UD&L of PlanD, DAFC, DEP and CE/MN, DSD. Furthermore, relevant approval conditions are recommended in paragraph 13.2 to minimise any potential environmental nuisances or to address public concerns and the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will be advised to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas, to resolve any land issues with the concerned owner(s) of the Site, to apply for relevant licence(s) as appropriate and to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures.
- 12.5 Given that five previous approvals for the same/similar uses have been granted to the Site, approval of the application is generally in line with the Committee's previous decisions. There was one previous application (No. A/YL-TYST/858) for temporary place of recreation, sports or culture (hobby farm), picnic area, barbecue spot and tent camping ground rejected by the Committee mainly on the grounds that the development was not in line with the planning intention of the "GB" zone; and the development did not comply with the TPB PG-No. 10 in that the proposed development would affect the existing natural landscape (CTP/UD&L, PlanD had reservation on the application as vegetation clearance and hard-paving of the application site had taken place over the years, and there was no information submitted on the existing trees and its preservation proposal). However, for the current application, majority of the Site involves two relevant planning permissions (No. A/YL-TYS/782 and 921) for the same use as the current application, CTP/UD&L, PlanD has no in-principle objection to the proposal, and the proposal is considered generally in line with TPB PG-No. 10; no adverse landscape impact is envisaged. There were also three similar applications rejected mainly on the grounds, amongst others, that there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental, landscape, traffic and/or drainage impacts on the surrounding areas. However, such considerations are not applicable to the current application as the concerned departments have no adverse comment on the application.
- 12.6 There are five public comments (**Appendices V-1 to V-5**) received on the application during the statutory publication periods as summarised in paragraph 11 above. Regarding the alleged shooting range use at the Site (**Appendix V-3**), no such use were observed during site inspection. As for the owner's consent issue (**Appendices V-2 and V-4**), the applicant had already complied with the TPB PG-No. 31A requirements as stated in paragraph 3 above. For the remaining concerns, 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, and having taken into account the public comments as mentioned in paragraph 11 above, the Planning Department has no objection to the application.

- 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 5 years until 15.5.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 6:00p.m. and 10:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no loudspeakers, audio amplifier and public announcement systems, barbeque/camping activities and overnight stay of visitors are allowed within the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time 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) all existing trees within the Site shall be maintained at all times during the planning approval period;
- (f) the provision of boundary fence on the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 15.11.2020;
- (g) 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 15.11.2020;
- (h) in relation to (g) above, the implementation of 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 15.2.2021;
- (i) the submission of a Drainage Impact Assessment 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 15.11.2020;
- (j) in relation to (i) above, the implementation of the drainage facilities proposed in the Drainage Impact Assessment 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 15.2.2021;
- (k) in relation to (j) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (l) 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 15.11.2020;

- (m) in relation to (l) 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 15.2.2021;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (k) 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;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (l) or (m) 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
- (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 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 development is not in line with the planning intention of the "GB" 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 and 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, even on a temporary basis.

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 with appendix and plans received on 3.12.2019
- Appendix Ia** Supplementary Information dated 9.12.2019

Appendix Ib	FI dated 24.3.2020
Appendix Ic	FI dated 5.5.2020
Appendix Id	FI dated 7.5.2020
Appendix II	Relevant extract of TPB PG-No. 10
Appendix III	Previous Applications covering the Site
Appendix IV	Similar Applications within/straddling the subject “GB” zone on the OZP
Appendices V-1 to V-5	Public Comments Received During the Statutory Publication Periods
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Paving Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4e	Site Photos

**PLANNING DEPARTMENT
MAY 2020**