

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-PK/134

- Applicant** : Green Culture Generation Limited
- Site** : Lots 2120, 2122 S.A and 2122 S.B in D.D. 91 and adjoining Government Land, Tai Lung Hang Village, Ping Kong, Sheung Shui, New Territories
- Site Area** : About 9,012 m² (including about 3,914 m² of Government land)
- Land Status** : (a) Block Government Lease (demised for agricultural use) (about 56.6% of the Site)
(b) Government land (about 43.4% of the Site)
- Plan** : Approved Ping Kong Outline Zoning Plan No. S/NE-PK/11
- Zonings** : “Agriculture” (“AGR”) (about 85.6% of the Site) and Green Belt (“GB”) (about 14.4% of the Site)
- Application** : Temporary Place of Recreation, Sports or Culture (Hobby Farm and Ancillary Barbecue Site) 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 or culture (hobby farm and ancillary barbecue site) for a period of three years (**Plan A-1**). The Site falls within an area largely zoned “AGR” (about 85.6% of the Site) with a portion zoned “GB” (about 14.4% of the Site) on the approved Ping Kong OZP No. S/NE-PK/11. According to the Notes for the “AGR” and “GB” zones of the OZP, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’ under “AGR” zone and ‘Place of Recreation, Sports or Culture’ under “GB” zone are Column 2 uses requiring planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is accessible from Fan Kam Road via a local road (**Plan A-1**). The hobby farm comprises farms, grassland, 28 structures/temporary structures with a total floor area of 1,147.5 m² for office, staff quarters, barbecue site, kiosk, shelters, DIY workshops, store rooms, sheds for cows, pigs and sheep, and latrine (**Drawings A-1 and A-2**). About 70% of the site area is used for cultivation and raising of animals, only about 0.98% (about 88 m²) of the site area is used for

barbecue area at the southern portion of the Site. The structures are located mainly at the central portion of the Site. The hobby farm provides various activities for visitors, including seminar on nature education, barbecue, farming, animal raising, workshop, etc. The operation hours of the hobby farm are between 10:00 a.m. and 5:00 p.m. daily holding 200-300 visitors daily and evening barbecue is available between 3:00 p.m. and 10:30 p.m. on weekends and public holidays. The hobby farm only accepts one organization booking each day and visitors should visit there by coach. Visitors are drop off outside the Site and walk to the main entrance of the hobby farm. Traffic wardens would direct traffic along the local track to the Site to ensure smooth traffic and pedestrian safety. The site layout plans and vehicular access plan, submitted by the applicant, are at **Drawings A-1 to A-3** respectively.

1.3 The Site is part of the subject of a previous application (No. A/NE-PK/121) for the same use submitted by the same applicant. The application was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 17.8.2018 mainly on the considerations that the coach and car parking areas in the development was not in line with the planning intention of “GB” zone and the Town Planning Board Guidelines No. 10 (TPB PG-10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’; and approval of the application would set an undesirable precedent for similar applications within the “GB” zones. Compared with the previous application, the site area under current application is reduced from 9,820 m² to 9,012 m² (i.e. 808 m²) by excluding the coach and car parking areas in the “GB” zone while the layout of the hobby farm remains unchanged (**Plan A-2**).

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

- (a) Application Form with Attachments received on 13.12.2018 (**Appendix I**)
- (b) Supplementary Planning Statement (**Appendix Ia**)
- (c) Further Information received on 23.1.2019 (**Appendix Ib**)
- (d) Further Information received on 28.1.2019 (**Appendix Ic**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in attachment of the Application Form at **Appendix Ia**. They can be summarized as follows:

- (a) the hobby farm under application carries out agricultural activities on farmland and allows recreation activities on non-agricultural land is in line with the planning intentions of “AGR” and “GB” zones;
- (b) there is no large scale and new structure in the Site. The environment of the hobby farm is nature-based and emphasizes harmony between human and nature;
- (c) the number of existing structures/temporary structures and their total floor area will remain unchanged. No filling of pond, excavation of land and tree felling is proposed under this application;

- (d) visitors can gain farming experiences and nature conservation knowledge in the hobby farm which is popular to the public;
- (e) the hobby farm only accepts one organization booking each day and visitors should visit there by coach. The applicant confirms that traffic generation/attraction will be restricted to non-peak hours (10:00 a.m. to 3:00 p.m.) on Mondays to Fridays. Traffic wardens would direct traffic along the local track to the Site to ensure smooth traffic and pedestrian safety;
- (f) the hobby farm is mainly for agricultural activities with occasional barbecue activities. Adequate portable toilets would be provided. It would not generate adverse environmental, traffic and sewerage impacts to the surrounding environment;
- (g) the Geotechnical Planning Review Report attached with the application reveals that the applied use would not have adverse geotechnical impacts on the surrounding; and
- (h) no adverse comment on / objection to the previous application (No. A/NE-PK/121) from a number of Government departments.

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

The applicant is not the “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 publishing notices in three local newspapers. For Government land within the Site, the TPB PG-No. 31A is not applicable to the application. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

Part of the Site falls within “GB” zone. The Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ is relevant to the consideration of this application. The relevant assessment criteria are summarized as below:

- (a) there is a general presumption against development in the “GB” zone;
- (b) applications for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning ground. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas;
- (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. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;

- (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. Tree preservation and landscaping proposals should be provided;
- (f) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area; and
- (g) any proposed development on a slope or hillside should not adversely affect slope stability.

5. **Background**

According to the Chief Town Planner/Central Enforcement and Prosecution, Planning Department, the current uses at the Site, including hobby farm and barbecue area, would be subject to planning enforcement action.

6. **Previous Application**

6.1 The Site is part of the subject of a previous application (No. A/NE-PK/121) for the same use submitted by the same applicant. The application was rejected by the Committee on 17.8.2018 mainly on the considerations that the coach and car parking areas in the development was not in line with the planning intention of “GB” zone and the Town Planning Board Guidelines No. 10 (TPB PG-10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the coach and car parking areas would affect the existing natural landscape; and approval of the application would set an undesirable precedent for similar applications within the “GB” zones. Compared with the previous application, the site area under current application is reduced from 9,820 m² to 9,012 m² (i.e. 808 m²) by excluding coach and car parking areas in the “GB” zone while the layout of the hobby farm remains unchanged (**Plan A-2**).

6.2 Details of the previous application are summarized at **Appendix II** and its location is shown on **Plan A-1**.

7. **Similar Application**

There is no similar application for ‘place of recreation, sports or culture (hobby farm and ancillary barbecue site)’ use in the “AGR” and “GB” zones in the vicinity of the Site in the Ping Kong area.

8. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3 and site photos on A-4a to A-4c)

8.1 The Site is:

- (a) on a slope descending from the south to the north. The northern and western portions of the Site are flat;
- (b) currently used for a hobby farm without valid planning permission;
- (c) comprising several portions linked up by road and tracks. The northern portion has a few temporary structures and is mainly covered with grass areas. The central portion has more temporary structures located near its eastern boundary and a large area of active farmland and a man-made lotus pond near its western boundary;
- (d) the recreation facilities, barbecue area, sheds for animals and shelters are on Government land at the eastern and southern portions of the Site respectively, while the grass areas and active farmland are on private land at the northern and western portions of the Site respectively; and
- (e) accessible from Fan Kam Road via a local track (**Plan A-1**).

8.2 The surrounding areas have the following characteristics:

- (a) rural in landscape character predominated by active/fallow agricultural land, vacant land, temporary structures for domestic and storage purposes, ponds, scattered tree groups and grazing land;
- (b) to the north, east and west are active/fallow agricultural land, grazing land and temporary structures for storage and domestic uses;
- (c) to the south are ponds and a vegetated knoll with graves; and
- (d) to the further west is the Tai Lung Experimental Farm (**Plan A-1**).

9. Planning Intentions

9.1 The planning intention of the “AGR” zone in Ping Kong area is to primarily retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9.2 The planning intention of the “GB” zone in Ping Kong area 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 are summarized as follows:

Land Administration

10.1.1 Comment of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises private lots, namely Lots 2120, 2122 S.A and 2122 S.B in D.D. 91 and adjoining Government land (**Plan A-2**). The private lots are Old Schedule lot held under the Block Government Lease (demised for agricultural use) without any guaranteed right of access. According to the records of the Land Registry, Lot 2122 S.A in D.D. 91 had been surrendered to the Government. However, due to incomplete office record, the boundary of Lots 2122 S.A and 2122 S.B could not be delineated;
- (b) the occupation area is larger than the Site. The existing structures on the Site were erected without approval from his office. The total built-over area and number of structures are larger than those under the application. The unauthorized structures are not acceptable under the Leases concerned. Illegal occupation of Government land is also found. His office reserves the right to take enforcement actions against the unauthorized structures and unauthorized occupation of Government land. Meanwhile, the applicant should make his own arrangements for acquiring access. The Government shall accept no responsibility in such arrangements;
- (c) the applicant has submitted an application for Short Term Tenancy (STT) to regularize the unauthorized occupation of Government land situated within the Site. However, the unauthorized occupation of Government land adjacent to the Site is not included in the STT application. The STT application will be dealt with in accordance with its priority. Besides, the Government land in the Site may be capable of reasonable separate alienation; and
- (d) the owners of the lots concerned may apply for a Letter of Approval (L of A) to regularize the structures erected on the application lots. However, the L of A application has to be supported by Agriculture, Fisheries and Conservation Department (AFCD). If the application is approved, the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW) and a STT covering all the actual occupation area. The applications for STW and STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW and STT applications are approved, their commencement date will be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and

administrative fees as considered appropriate by his office.

Agriculture and Nature Conservation

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

- (a) it is noted that there are trees within the Site, some of which are large and mature or species of conservation concern (**Plan A-2**). Should the application be approved, the applicant should be alerted that the need for tree conservation should be duly considered in using the Site so as to avoid causing any damage or disturbance to the existing trees and the surrounding environment;
- (b) the hobby farm under application is located in the Livestock Waste Control area. For raising pigs in the livestock waste control area, livestock keeping licence from his Department must be obtained; if any person who owns or keeps in or on his premises in any livestock waste control area one pig, including, in the case of a sow, the unweaned litter of that sow is exempted from obtaining a livestock keeping licence from his Department but still subject to the requirements of environmental regulations. Apart from the livestock keeping licence issued, exhibition licence for any paid exhibition of animals/ birds should be considered if the animal farm is for recreation and tourism purpose;
- (c) it is noted that two pig sheds are found in the layout plan (**Drawings A-1 and A-2**). According to his record, the hobby farm under application does not have any livestock keeping licence and exhibition licence from his Department. The applicant has confirmed that only one pig will be kept in the Site and would comply with the requirements under Waste Disposal (Livestock Waste) Regulations (**Appendix Ic**); and
- (d) given that substantial area of the Site is used directly for agricultural and related education purposes and only one pig would be kept in the Site, he has no comment on the application from agriculture point of view.

Traffic

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

- (a) the vehicle access from Fan Kam Road to the Site is not managed and maintained by her department; and
- (b) the applicant should strictly comply with the traffic arrangement as proposed in the section 3.2 of the supplementary planning statement and further information (**Appendices Ia and Ib**), including the receiving and departure time of the visitors restricted to non-peak hours (10:00 a.m. to 3:00 p.m.) on Mondays to Fridays, to assign the traffic warden to provide guidance on the

receiving and departure activities, and to ensure the safety of the visitors. She considers that the application can be tolerated from traffic engineering viewpoint.

Environment

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

- (a) based on the information submitted, major activities on the Site is farming-related and sufficient portable toilets will be provided for sewage disposal. He has no comment on the application;
- (b) it appears that the Site falls within Livestock Waste Control Area where special control applies in terms of waste disposal and water discharge. The applicant is reminded that “Livestock” means pigs or poultry under Waste Disposal Ordinance (WDO, Cap 354). Within Livestock Waste Control Area, a livestock keeper must apply for licence from the AFCD and comply with the Waste Disposal (Livestock Waste) Regulations (Cap 354A), except those exempt persons listed at Fourth Schedule under the WDO;
- (c) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the EPD’s latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact; and
- (d) there was no substantiated environmental complaint against the Site in the past three years.

Landscaping

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

- (a) based on the aerial photo, the Site is situated in area of rural landscape character surrounded by farmland and clustered tree groups;
- (b) her site record in January 2019 reveals that the northern portion of the Site is mainly covered by grass with a few existing temporary structures; whereas southern portion of the Site has more existing temporary structures with large area of active farmland and a man-made lotus pond. Existing trees of common species are found scattered across the site; approximately 1 tree of protected, rare and precious species, *Aquilaria sinensis* (土沉香), is found in the middle of the eastern site boundary, and 2 large trees (DBH over 700mm) in good condition are found in the southern corner and the lower part of the northern portion of the side respectively;
- (c) as the applicant states that no site alternation or vegetation removal is required, significant adverse impact arising from the temporary

use under application on existing landscape resource is not anticipated;

- (d) in this connection, she has no objection to the application from landscape planning perspective; and
- (e) should the application be approved, the applicant should be advised of the following:
 - (i) the approval of the landscape proposal does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications, if any, should be submitted direct to DLO/N, LandsD for approval; and
 - (ii) useful information published by the Greening, Landscape & Tree Management Section, Development Bureau on general tree maintenance and tree risk management is available for reference on its website.

Drainage

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

- (a) he has no in-principle objection to the application from the public drainage point of view;
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse impact to the adjacent area; and
- (c) the Site is in an area where no public sewerage connection is available.

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 by the Building Authority (BA) for the buildings/structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application;
- (b) if the existing structures are erected on leased land without approval of BD not being a New Territories Exempted House, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
- (c) before any new building works (including containers/open sheds as

temporary buildings) are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (d) for UBW erected on leased land, enforcement action may be taken by BA 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;
- (e) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations respectively; and
- (f) if the Site is not abutting a specified street having a width not less than 4.5m, the development intensity shall be determined by the BA under Regulation 19(3) of the B(P)Rs at the building plan submission stage.

Fire Safety

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

- (a) he has no in-principle objection to the application subject to fire service installations (FSIs) and water supplies for firefighting being provided to the satisfaction of his department;
- (b) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
- (c) detailed fire safety requirements will be formulated upon receipt of formal submission of the general building plans.

Geotechnical

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

having reviewed the Geotechnical Planning Review Report (**Appendix Ia**) submitted by the applicant, he has no comment on the application.

Food and Environmental Hygiene

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

- (a) he has no objection to the application provided that relevant food licence/ restricted food permit would be obtained if food business is involved;

- (b) if the operator intends to operate a restaurant business in the territory, a general restaurant/ light refreshment restaurant license should be obtained from Food and Environmental Hygiene Department (FEHD) in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). The application for restaurant licence, if acceptable by FEHD, will be referred to relevant Government departments, such as Buildings Department, Fire Services Department, Planning Department, Lands Department (if necessary) for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements;
- (c) for the operation of other types of food business, relevant food licences should also be obtained from FEHD in accordance with Cap. 132. Under the Food Business Regulation, Cap. 132X, a Food Factory Licence must be obtained from FEHD for food business which involves the preparation of food for sale for human consumption off the premises before commencement of such business. Besides, a Fresh Provision Shop licence is required for any person who intends to sell fresh, chilled or frozen beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry at any premises before commencement of such business. The application for Food Factory Licence/ Fresh Provision Shop Licence, if acceptable by FEHD, will be referred to relevant Government departments, such as PlanD and LandsD (if necessary) for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements. FEHD will institute legal action against any person who operates a food business without a valid licence; and
- (d) the applicant should be reminded that the operation of the eating place must not cause any environmental nuisance to the surrounding. The refuse generated by the proposed eating place are regarded as trade refuse. The operator of the hobby farm should be responsible for the removal and disposal of the refuse generated by the hobby farm at their expenses. The operation of any business should not cause any obstruction or environmental nuisance in the vicinity.

District Officer's Comments

10.1.11 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The Chairman of Sheung Shui District Rural Committee (SSDRC), the incumbent North District Council (NDC) members of Yu Tai and Sheung Shui Rural Constituencies, the Indigenous Inhabitant Representative and the Resident Representative of Ping Kong have no comment on the application,

whereas the Chairman of “Association of Ping Kong Area Residents” objects to the application mainly on the grounds that coaches using the narrow local track to the Site would cause danger to the villagers; the hobby farm and barbecue site would cause pollution and nuisance affecting the nearby residents’ living and health; and the application may obstruct the access of Ping Kong’s villagers to the graves and their private land near the Site.

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

- (a) Commissioner of Police (C of P);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Director of Leisure & Cultural Services (DLCS);
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD); and
- (f) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD).

11. Public Comments Received During Statutory Publication Period

11.1 On 21.12.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, 214 public comments were received. Of them, 204 support, five object, three do not indicate support or object and two have no comment. Samples of the public comments supporting/objecting to the application are at **Appendix III** and the whole set of public comments have been deposited in the Board’s secretariat for Members’ inspection.

11.2 204 comments submitted by individuals support the application. They consider that the hobby farm is worthy to be retained as there are few hobby farms in Hong Kong, and the hobby farm promotes nature-related education and environmental protection and it is suitable for kids and family.

11.3 The two comments from a NDC member and the Chairman of SSDRC indicate no comment on the application. Three comments submitted by individuals do not indicate support or object to the application but provide views that clear signage to the Site and more rain shelters should be provided.

11.4 The four public comments submitted by Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, The Hong Kong Bird Watching Society and an individual object to the application on the grounds that the applied use is not in line with the planning intentions of “AGR” and “GB” zones; the Site is the subject of a previous rejected application; a substantial portion of the Site involves unlawful occupation of Government land, animal wastes and barbecue activities within the Site may cause pollution to the area; and the approval of the application would set an undesirable precedent for similar applications in the area.

11.5 The remaining comment submitted by an individual raises objection to the

application mainly on the grounds that his land (i.e. Lot 2120 in D.D.91) and Government land are illegally occupied by the applicant and no owners' consent has been given for the subject planning application.

12. Planning Considerations and Assessments

- 12.1 The Site falls within an area mostly zoned "AGR" (about 85.6%) with a portion zoned "GB" (about 14.4%) on the OZP (**Plan A-1**). The temporary use under application is not entirely not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes, and the planning intention of "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. As a substantial area of the Site is used directly for agricultural and related education purposes, DAFC has no comment on the application from agriculture point of view. Given it is temporary in nature and only a minor portion of the hobby farm currently occupied by barbecue areas, animal shed and rain shelters are zoned "GB" (**Plan A-2**), it is considered that the approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the "AGR" and "GB" zones.
- 12.2 The temporary hobby farm under application is considered not incompatible with the surrounding land uses which are of rural landscape character predominated by active/fallow agricultural land, vacant land, temporary structures for domestic and storage purposes, ponds and scattered tree groups (**Plan A-2**). As no site alteration or vegetation removal would be conducted for the development, significant adverse impact arising from the temporary hobby farm under application on existing landscape resources is not anticipated, in this regard, CTP/UD&L, PlanD, has no objection to the application from the landscape planning perspective. As some of the trees within the Site are large and mature or species of conservation concern, the applicant is advised to avoid causing any damage or disturbance to the existing trees and the surrounding environment should the application be approved.
- 12.3 The temporary hobby farm under application only accepts one organization booking each day and visitors should visit there by coach. The applicant should strictly comply with the traffic arrangement as proposed in the section 3.2 of the supplementary planning statement and further information (**Appendices Ia and Ib**), such as the receiving and departure time of the visitors restricted to non-peak hours (10:00 a.m. to 3:00 p.m.) on Mondays to Fridays, and prior arrangement of the traffic wardens. In this regard, C for T considers that the application can be tolerated from the traffic engineering viewpoint. Other relevant Government departments consulted, including CE/MN of DSD, DEP, H(GEO) of CEDD, D of FS and CE/C of WSD, have no adverse comment on / no objection to the application. The applicant will also be advised to follow the relevant mitigation measures and requirements in the EPD's latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" in order to minimize any potential environmental impact.

- 12.4 Although a minor portion of the hobby farm currently occupied by barbecue areas, animal shed and rain shelters are zoned “GB”, the development under application is generally in line with the relevant criteria of the TPB PG-No.10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the hobby farm and ancillary barbecue site are considered not incompatible with the surrounding land uses which are of rural landscape character predominated by active/fallow agricultural land, vacant land, temporary structures for domestic and storage purposes, ponds and scattered tree groups; the development does not involve clearance of existing natural vegetation and affect the existing natural landscape; and it is considered that the development is not expected to have significant adverse geotechnical, environmental, drainage and traffic impacts on the surrounding areas.
- 12.5 The Site is part of the subject of a previous application (No. A/NE-PK/121) for the same use submitted by the same applicant. The application was rejected by the Committee on 17.8.2018 mainly on the considerations that the coach and car parking areas in the development was not in line with the planning intention of “GB” zone and TPB PG-10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the coach and car parking areas would affect the existing natural landscape; and approval of the application would set an undesirable precedent for similar applications within the “GB” zones. Compared with the previous application, the site area under current application is reduced from 9,820 m² to 9,012 m² (i.e. 808 m²) by excluding coach and car parking areas in the “GB” zone while the layout of the hobby farm remains unchanged. The concern on using the “GB” area for the coach and car parking area at the southern portion of the Site under the previous application No. A/NE-PK/121 which would have adverse landscape impact has been largely addressed in the current application. In this regard, CTP/UD&L, PlanD has no objection to the application from landscape planning perspective whereas C for T considers that the application can be tolerated from the traffic engineering viewpoint.
- 12.6 There are public comments supporting the retention of the hobby farm but also local objections/adverse public comments against the application mainly on the grounds of not in line with the planning intentions of “AGR” and “GB” zones, adverse traffic impact and road safety, potential pollution and nuisance to surrounding, and setting of an undesirable precedent for similar applications. In this regard, the Government departments’ comments and planning assessments above are relevant. Regarding a local objection conveyed by DO(N), HAD on the application may obstruct the access of villagers to the graves, it is noted that there is no grave within the Site and the Site is not the only access to the graves in its surrounding area (**Plans A2 and A3**). With respect to the views of one of the landowners of the Site that no owners’ consent has been given for this application, it should be noted that the applicant has taken reasonable steps to inform the landowners before submitting the subject application as set out in the TPB PG-No. 31A.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and public comments in

paragraph 11 above, the Planning Department has no objection to the application 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 1.2.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 5:00 p.m. and 10:00 a.m. on weekdays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 10:30 p.m. and 10:00 a.m. on weekends and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the receiving and departure time of the visitors restricted to non-peak hours (10:00 a.m. to 3:00 p.m.) on Mondays to Fridays, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (d) the implementation of traffic management measures during the planning approval period, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 1.8.2019;
- (f) in relation to (e) above, the provision of drainage facilities 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 1.11.2019;
- (g) the submission of proposals for fire service installations and water supplies for firefighting 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 1.8.2019;
- (h) in relation to (g) above, the implementation of proposals for fire service installations and water supplies for firefighting 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 1.11.2019;
- (i) if any of the above planning conditions (a), (b), (c) or (d), is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (e), (f), (g) or (h) is not complied

with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (k) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejections are suggested for Members' reference:

- (a) the development is not in line with the planning intention of the "GB" zone which is intended 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 no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the approval of the application will set an undesirable precedent for similar applications within the "GB" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the 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 Attachments received on 13.12.2018
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Further Information received on 23.1.2019
Appendix II	Previous Application
Appendix III	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawings A-1 & A-2	Site Layout Plan
Drawing A-3	Vehicular Access Plan
Plan A-1	Location Plan

Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2019**