

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-PK/121

- 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 9,820 m² (including about 4,722 m² of Government land)
- Land Status** : (a) Block Government Lease (demised for agricultural use)
(about 51.9% of the Site)
(b) Government land (about 48.1% of the Site)
- Plan** : Approved Ping Kong Outline Zoning Plan No. S/NE-PK/11
- Zonings** : “Agriculture” (“AGR”) (about 78.5% of the Site) and Green Belt (“GB”) (about 21.5% 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 78.5% of the Site) with a portion zoned “GB” (about 21.5% of the Site) on the approved Ping Kong OZP No. S/NE-PK/11. According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only) in “AGR” zone and ‘Place of Recreation, Sports or Culture’ in “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 application comprises two portions linked up by a narrow footpath. The northern portion is a hobby farm and the southern portion is parking areas for the hobby farm. The hobby farm comprises farms, grassland, 28 structures/temporary structures with a total floor area of 1,147.5 m² (for office, staff quarters, rest/ presentation area, barbecue site, kiosk, rain shelters, DIY workshops, store rooms, sheds for cows, pigs and sheep, pump room and latrine (**Drawings A-1 and A-2**). Among those structures, 22 of them fall within an area

zoned “AGR” whereas the remaining 6 (including 2 barbecue areas with a total floor area of 88 m²) are erected on area zoned “GB”. The hobby farm provides various activities for visitors, including seminar on nature education, barbecue, farming, animal raising, workshop, etc. For the southern portion zoned “GB”, four private car parking spaces and eight coach parking spaces with a total area of about 808 m² are provided. The parking areas are accessible from Fan Kam Road via a local road (**Plan A-1**).

- 1.3 The operation hours of the hobby farm are between 10:00 a.m. and 5:00 p.m. daily with the maximum capacity of 400 visitors and evening barbecue is available between 3:00 p.m. and 10:30 p.m. on Saturdays, Sundays and public holidays. Advanced booking to visit the hobby farm is required. The site layout plan, a list of structures as shown on **Drawing A-1**, vehicle parking plan, vehicular access plan and landscape plan submitted by the applicant, are at **Drawings A-1 to A-5** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with Attachments received on 7.4.2017 (**Appendix I**)
 - (b) Supplementary Information received on 12.4.2017 (**Appendix Ia**)
 - (c) Letter dated 9.5.2017 requesting for deferment of (**Appendix Ib**) consideration of the application
 - (d) Further Information received on 26.7.2017 and 28.7.2017 (**Appendix Ic**)
 - (e) Further Information received on 4.9.2017 (**Appendix Id**)
 - (f) Letter dated 14.9.2017 requesting for deferment of (**Appendix Ie**) consideration of the application
 - (g) Further Information received on 22.11.2017 (**Appendix If**)
 - (h) Further Information received on 28.12.2017 and 29.12.2017 (**Appendix Ig**)
 - (i) Letter dated 3.1.2018 requesting for deferment of (**Appendix Ih**) consideration of the application
 - (j) Further Information received on 12.3.2018 (**Appendix Ii**)
 - (k) Letter dated 20.4.2018 requesting for deferment of (**Appendix Ij**) consideration of the application
 - (l) Further Information received on 26.6.2018 (**Appendix Ik**)
 - (m) Further Information received on 27.7.2018 (**Appendix Il**)
- 1.5 At the request of the applicant (**Appendices Ib, Ie, Ih and Ij**), the Rural and New Town Planning Committee (the Committee) of the Board on 26.5.2017, 22.9.2017, 12.1.2018 and 4.5.2018 respectively, agreed to defer making a decision on the application for two months each pending the preparation of further information to address the departmental comments. Since the fourth deferment, the applicant submitted the further information on 26.6.2018 and 27.7.2018. The application is rescheduled for consideration by the Committee on 17.8.2018.

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 I** and further information at **Appendices Ic, Id, If, Ig, Ii, Ik and Il**. They can be summarized as follows:

- (a) the hobby farm under application, which constitutes cultivation 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 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;
- (f) the applicant undertakes to provide boundary fencing along both coach and car parking areas for site boundary demarcation; and
- (g) the hobby farm is mainly for agricultural activities with occasional barbeque activities. Adequate portable toilets would be provided. It would not generate adverse environmental, landscape, traffic and sewerage impacts to the surrounding environment.

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) an application 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, there is no active enforcement case on the Site.

6. **Previous Application**

There is no previous application for the Site.

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-3b and site photos on A-4a to A-4d)

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 as 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. The southern portion is the parking areas for private cars and coaches;

- (d) the recreation facilities, barbecue area, sheds for animals and parking areas 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.

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.

9. Planning Intentions

9.1 The planning intention of the “AGR” zone in the 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 the 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 and 2122 S.B in D.D. 91 and adjoining Government land. The private lots are Old Schedule lot held under the Block Government Lease (demised for

agricultural use) without any guaranteed right of vehicular 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 ascertained;

- (b) having reviewed the Further Information (**Appendix Ik**), the applicant should ensure that there should be no interference of any trees on Government land for the proposed coach and car parks;
- (c) the actual occupation area does not tally with the Site. Unauthorized structures were erected on the Site without prior approval from his office. 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 necessary lease enforcement and land control actions against the unauthorized structures and the illegal occupation of Government land. Meanwhile, the applicant should make his own arrangements for acquiring access. The Government shall accept no responsibility in such arrangements; and
- (d) application for Short Term Tenancy (STT) to cover the illegal occupation of Government land on Site has been received from the applicant (excluding the two proposed parking areas) and is being processed by his office. If the application is approved, the owners of the lots concerned shall apply to Agriculture, Fisheries and Conservation Department (AFCD)/his office for a Letter of Approval (L of A)/Short Term Waiver (STW) to cover the said unauthorized structures erected on Site and a STT to cover the two proposed parking areas. The applications for STT/L of A/STW will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STT/STW are approved, their commencement dates will be backdated to the first date of occupation and they will be subject to such terms and conditions or any appropriate date to be imposed including payment of rent/waiver fee 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) given that substantial area of the Site is used directly for agricultural and related education purposes, she has no comment on the application from agriculture point of view; and
- (b) it is noted that there are trees and other plants 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 nature conservation should be duly considered in using the Site so as to avoid causing any damage or

disturbance to the existing trees/plants and the surrounding environment.

Traffic

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

- (a) the proposed vehicular access to the Site is via an unnamed road connecting Fan Kam Road. Based on the submitted traffic impact assessment (**Appendices Ic, Id, If, Ig and Ii**) and confirmation by the applicant (**Appendix Ig**), he considers that the application can be tolerated from traffic engineering viewpoint; and
- (b) the village track connecting Fan Kam Road and the Site and the open areas proposed for car and coach parking are not under the management of his department. The applicant should check the land status of the access and open areas with the lands authority, and clarify its management and maintenance responsibilities with the relevant lands and maintenance authorities accordingly.

10.1.4 Comments of the Commissioner of Police (C of P):

having reviewed the further information (**Appendix If**) submitted by the applicant, he has no comment on the application.

Environment

10.1.5 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) 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
- (c) there was no substantiated environmental complaint against the Site in the past three years.

Landscaping

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

Hobby Farm

- (a) based on the aerial photo, the Site is situated in area of rural agricultural landscape. It is surrounded by patches of active farmlands and tree clusters. The Tai Lung Experimental Farm is at its further west. Thus the hobby farm under application is

considered not incompatible with the landscape character of the area;

- (b) her site records reveal that the Site consists of two portions linked up by a short and narrow footpath. The northern portion has a few temporary structures and is mainly covered with grass areas. A few common tree species of semi-mature size are found in the middle area. Whereas the southern portion has more temporary structures located near its eastern boundary, there is a large area of active farmland and man-made lotus pond near the southern corner. More semi-mature fruit trees and common trees of good tree conditions are scattered within the southern portion in which two large trees (over 0.7m diameter at breast height) with good tree condition are found respectively near the southern corner and at the narrow footpath linking the two portions (**Plan A-2**);
- (c) as the submitted information states that no site alteration or vegetation removal is required, significant adverse impact on landscape resource is not anticipated;
- (d) in this connection, she has no objection to the hobby farm use;

Coach and Car Parking Areas

- (e) having reviewed the further information (**Appendices Ii, Ik and Il**) submitted by the applicant, she has strong reservations on the application from landscape planning perspective;
- (f) the coach and car parks are separately located adjoining the village access road leading to the hobby farm. Both parking areas, falling within the “GB” zone and on Government land, are formed and mostly hard paved. Compared with the aerial photo of 1995 (**Plan A-3a**), both areas were once vegetated. It is obvious that vegetation removal has been taken place at both parking areas prior to obtaining planning permission;
- (g) in view of the temporary nature of the coach park, no further formation work affecting the surrounding vegetation should be allowed;
- (h) the approval of the application (coach and car parking areas) would set an undesirable precedent to encourage similar unauthorized vegetation removal and site formation works prior to obtaining permission, thus causing cumulative adverse impact on landscape resource and character in the “GB” zone; and
- (i) should the application be approved, an approval condition on the submission and implementation of landscape proposal is recommended. The applicant should indicate to undertake the maintenance of all existing mature trees in sustainable good conditions at all times during the planning approval period in the landscape proposal.

Drainage

10.1.7 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 drainage impact to the adjacent area; and
- (c) the Site is in an area where no public sewerage connection is available.

Building Matters

10.1.8 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 under Building (Planning) Regulations (B(P)Rs) 5 and emergency vehicular access shall be provided under Regulation 41D of the B(P)Rs; 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

10.1.9 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

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

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

Electricity Supply and Safety

10.1.11 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) he has no particular comment on the application from electricity supply safety aspect; and
- (b) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

Food and Environmental Hygiene

10.1.12 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

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

- (a) he has consulted the locals regarding the application;
- (b) the Chairman of Sheung Shui District Rural Committee and the Resident Representative (RR) of Ping Kong support the application mainly on the considerations that there is no place of recreation, sports or culture in Ping Kong and the hobby farm under application could provide a good place for family to visit. The incumbent North District Council (NDC) members of Sheung Shui Rural (Constituency) and the Indigenous Inhabitant Representative (IIR) of Ping Kong have no comment on the application; and
- (c) the incumbent NDC members of Yu Tai Constituency and the Chairman of "Association of Ping Kong Area Residents" object 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) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Director of Leisure & Cultural Services (DLCS);
- (c) Chief Engineer/New Territories East, Highways Department (CHE/NTE, HyD); and
- (d) 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 18.4.2017, 4.8.2017, 1.12.2017, 23.3.2018 and 6.7.2018 respectively, the application and the FIs were published for public inspection. During the first three weeks of the statutory public inspection periods, 76 public comments were received (**Appendix II**).

11.2 The six comments from a NDC member and the Chairman of Sheung Shui District Rural Committee (SSDRC) indicate no comment on the application.

11.3 The Chairman of SSDRC later submits another comment supporting the application. A public comment forwarded by the Hong Kong Tourism Board in support of the application mentions also the history and evolution of the hobby farm. For the remaining 44 comments submitted by individuals supporting 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.

- 11.4 The 21 public comments submitted by the Chairman of “Association of Ping Kong Area Residents”, Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, and Designing Hong Kong Limited object to the application on the grounds that the applied use is not in line with the planning intentions of “AGR” and “GB” zones; 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; the approval of the application would set an undesirable precedent for similar applications in the area; and other objection reasons similar to paragraph 10.1.13(c).
- 11.5 The remaining three comments submitted by an individual raise objection to the application mainly on the grounds that his land (i.e. Lot 2120 in D.D.91 with an area of about 1,938 m² or about 19.7% of the Site) 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 application is for a temporary hobby farm with ancillary barbecue areas and two parking areas for coaches and private cars for a period of three years. The Site falls within an area mostly zoned “AGR” (about 78.5%) with a portion zoned “GB” (about 21.5%) on the OZP.
- 12.2 The planning intention of the “AGR” zone 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. 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.
- 12.3 A small part of the hobby farm currently occupied by barbecue areas, animal shed and rain shelters and the car and coach parking areas are zoned “GB”. 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, and there is a general presumption against development within this zone. The barbecue sites and coach and car parking areas are not in line with the planning intention of the “GB” zone and there is no strong justification in the submission for a departure from the planning intention of the “GB” zone, even on a temporary basis.
- 12.4 It is noted that about 48.1% of the Site is on Government land. As advised by DLO/N, LandsD, the Government land portion of the Site is illegally occupied. His office reserves the rights to take land control actions against the illegal occupation of Government land. There is no strong justification in the submission for using such a large piece of Government land in support of the applied use, even on a temporary basis.

- 12.5 The hobby farm under application is considered not incompatible with the surrounding land uses which are of rural agricultural landscape character predominated by active/fallow agricultural land, vacant land, temporary structures for domestic and storage purposes, ponds, scattered tree groups and a grazing land (**Plan A-2**). CTP/UD&L of PlanD has no objection to the hobby farm use as no significant adverse impact on landscape resource is anticipated. However, having reviewed the further information submitted by the applicant (**Appendices Ii, Ik and Il**), she has strong reservations on the application from landscape planning perspective mainly on the grounds that vegetation removal and site formation works have been taken place at the parking areas at the southern portion of the Site prior to obtaining planning permission. Given that this is the first application for hobby farm with ancillary barbecue site in an area zoned “GB” within Ping Kong area, approval of the application would set an undesirable precedent to encourage similar unauthorized vegetation removal and site formation works prior to obtaining planning permission, thus causing cumulative adverse impact on landscape resource and character in the “GB” zone. Based on the above, the development under application does not comply with the TPB PG-No.10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the coach and car parking areas at the southern portion of the Site would have adverse landscape impact.
- 12.6 The applicant has submitted a TIA to demonstrate that the proposed use would not induce any significant adverse traffic impact to the surrounding areas. The applicant also explains traffic generation/attraction arising from the Site are during non-peak hours and demonstrates that there will be satisfactory vehicular arrangement and manoeuvring within car and coach parking areas (**Appendices Ic, Id, If, Ig and Ii**). In this regard, C for T considers that the application can be tolerated from the traffic engineering viewpoint. Other relevant Government departments consulted, including DEP, CE/MN of DSD, 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.
- 12.7 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. 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 having taking into account the public comments in paragraph 11 above, the Planning Department does not support the application for the following reasons:

- (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;
- (b) the development is not in line with TPB PG-10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the development would affect the existing natural landscape; and
- (c) the approval of the application will set an undesirable precedent for similar applications within the “GB” zones. The cumulative effect of approving such applications would result in a general degradation of the landscape quality of the area.

13.2 Alternative, 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 17.8.2021. 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 Mondays to Fridays, 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 Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) all vehicles entering and exiting the Site during the planning approval period shall be restricted to non-peak hours (i.e. from 10:00a.m. to 3:00p.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 provision of boundary fencing on the coach and car parking areas within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 17.2.2019;
- (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 17.2.2019;
- (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 17.5.2019;

- (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 17.2.2019;
- (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 17.5.2019;
- (i) the submission of landscape proposal within 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 17.2.2019;
- (j) in relation to (i) above, the implementation of landscape proposal within the Site within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 17.5.2019;
- (k) if any of the above planning conditions (a), (b) or (c) 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;
- (l) if any of the above planning conditions (d), (e), (f), (g), (h), (i) or (j) 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
- (m) 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 III**.

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 7.4.2017
Appendix Ia	Supplementary Information received on 12.4.2017
Appendix Ib	Letter dated 9.5.2017 requesting for deferment of consideration of the application
Appendix Ic	Further Information received on 25.7.2017 and 28.7.2017
Appendix Id	Further Information received on 4.9.2017
Appendix Ie	Letter dated 14.9.2017 requesting for deferment of consideration of the application
Appendix If	Further Information received on 22.11.2017
Appendix Ig	Further Information received on 28.12.2017 and 29.12.2017
Appendix Ih	Letter dated 3.1.2018 requesting for deferment of consideration of the application
Appendix Ii	Further Information received on 12.3.2018
Appendix Ij	Letter dated 20.4.2018 requesting for deferment of consideration of the application
Appendix Ik	Further Information received on 26.6.2018
Appendix II	Further Information received on 27.7.2018
Appendix II	Public Comments
Appendix III	Recommended Advisory Clauses
Drawings A-1 and A-2	Site Layout Plan
Drawing A-3	Vehicle Parking Plan
Drawing A-4	Vehicular Access Plan
Drawing A-5	Landscape Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos taken in 1995 and 2018
Plans A-4a to A-4d	Site Photos

**PLANNING DEPARTMENT
AUGUST 2018**