

APPLICATION FOR PERMISSON
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/363

<u>Applicant</u>	Wider Link Investment Limited represented by Aikon Development Consultancy Limited
<u>Site</u>	Lots 1601 (Part), 1604, 1605, 1606, 1607, 1608, 1609, 1610 S.A, 1610 S.B, 1610 S.C, 1611, 1612, 1613 (Part), 1615 and 1616 (Part) in D.D. 129 and adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
<u>Site Area</u>	About 20,860 m ² (including about 200 m ² of GL (about 0.96%))
<u>Lease</u>	Block Government Lease (demised for agricultural use)
<u>Plan</u>	Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (LFS & TBT OZP) No. S/YL-LFS/9 and Approved Tin Shui Wai Outline Zoning Plan (TSW OZP) No. S/TSW/14
<u>Zoning</u>	“Green Belt” (“GB”) (about 99%) (on LFS & TBT OZP) “Open Space (1)” (“O(1)”) (about 1%) (on TSW OZP)
<u>Application</u>	Proposed Place of Recreation, Sports or Culture and Shop and Services (including Hobby Farming, Children Playground, Refreshment Kiosk, Handicraft Making and Ancillary Public Car Park)

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed place of recreation, sports or culture and shop and services (including hobby farming, children playground, refreshment kiosk, handicraft making and ancillary public car park) (**Plans A-1a and 1b**). The majority of the Site (99%) falls within an area zoned “GB” on the approved Lau Fau Shan and Tsim Bei Tsui (LFS&TBT) OZP No. S/YL-LFS/9 and a very small portion of the Site (1%) falls within an area zoned “O(1)” on the approved Tin Shui Wai OZP No. S/TSW/14. According to the Notes of the LFS&TBT and the TSW OZPs, ‘Place of Recreation, Sports or Culture’ is a Column 2 use under “GB” and “O(1)” zones, which requires planning permission from the Town Planning Board (the Board). Northern portion of the Site is currently vegetated while southern portion of the Site is currently hard-paved and used for parking of vehicles without valid planning permission.

- 1.2 The Site involves 3 previous planning applications covering more or less the same site as the current application for similar recreational use (**Plan A-1b**). The last previous application (No. A/YL-LFS/304) for proposed place of recreation, sports or culture and shop and services including barbecue spot, refreshment kiosk, hobby farming, children playground and ancillary public car park was approved with conditions by the Committee on 6.4.2018 for a period of 3 years. However, the planning permission was revoked on 6.1.2020 due to non-compliance with time-limited approval conditions. Compared with application No. A/YL-LFS/304, the current application was submitted by the same applicant with different layout and development parameters. Details of the previous applications are at paragraph 6 and **Appendix III**.
- 1.3 The Site is accessible from Tin Wah Road via a local access road (**Drawing A-1 and Plan A-1a**). The ingress/egress point is located at the southern boundary of the Site (**Drawing A-2 and Plan A-2**). As shown on **Drawing A-3** and indicated in the submission, there are 11 structures with a total floor area of about 1,844.36 m² and building height of about 1-2 storeys (3m – 5.2m) at the Site, including 2 site offices, 3 greenhouses, 6 canopies for staff parking, sitting area, handicraft experience, ancillary storage and 2 mobile toilets. The northern portion of the Site is proposed for hobby farms and children playgrounds while the southern portion of the Site is proposed for ancillary public vehicle park comprising 59 private car parking spaces, 30 coach parking spaces and 2 loading/unloading spaces for light goods vehicles. According to the applicant, the existing hard-paving at the Site will be removed (except for the two site offices) and the parking area will be surfaced by grass paving. The operation hours of the Site are 11:00 a.m. to 6:00 p.m. on Mondays to Fridays, and 11:00 a.m. to 8:00 p.m. on Saturdays, Sundays and public holidays. The expected number of visitors on weekdays and at weekends/public holidays are about 600 and 900 respectively. Plans showing the vehicular access, site layout and landscape proposal are at **Drawings A-1 to A-4**.
- 1.4 A comparison of the major development parameters of the current application and the last approved application No. A/YL-LFS/304 is given in the following table:

Major Development Parameters	Last Approved Application (A/YL-LFS/304)(a)	Current Application (A/YL-LFS/363) (b)	Difference (b) – (a)
Site Area	about 20,860 m ²	about 20,860 m ²	No change
Proposed Use	Proposed Place of Recreation, Sports or Culture and Shop and Services (including Barbecue Spot, Refreshment Kiosk, Hobby Farming, Children Playground and Public Car Park)	Proposed Place of Recreation, Sports or Culture and Shop and Services (including Hobby Farming, Children Playground, Refreshment Kiosk, Handicraft Making and Ancillary Public Car Park)	No Barbecue Spot; Added Handicraft Making

Major Development Parameters	Last Approved Application (A/YL-LFS/304)(a)	Current Application (A/YL-LFS/363) (b)	Difference (b) – (a)
No. of Structures	2 (1) a refreshment kiosk (2) a mobile toilet	11 (1) two site offices (2) three greenhouses (3) Canopy for staff parking (4) Canopy for sitting area (5) Canopy for handicraft experience (6) Canopy for ancillary storage (7) Canopy for 2 mobile toilets	+9
Total GFA	220 m ²	1844.36 m ²	+1624.36 m ²
Parking Spaces			
- Private car:	70	55	
- Coach:	-	30	
- Staff parking:	-	4	
- Total:	70	89	+19
Loading/unloading bays for light goods vehicle	2	2	No change

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

- (a) Application Form received on 20.3.2020 with development proposal and plans **(Appendix I)**
- (b) Further information (FI) received on 27.4.2020 providing responses to comments of the Transport Department (TD) and the Geotechnical Engineering Office (GEO) of the Civil Engineering and Development Department (CEDD) and a revised layout plan **(Appendix Ia)**
(not exempted from publication and recounting requirements)
- (c) FI received on 6.7.2020 providing supplementary information on the paving area and parking space area **(Appendix Ib)**
(exempted from publication and recounting requirements)

2. Justifications from the Applicant

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

- (a) The proposed use could meet the demand for recreational activities in the community with educational purpose as visitors could experience the making of traditional handicraft and farming activities.
- (b) The proposed use is in line with the planning intention of the “GB” zone.
- (c) The proposed development is generally in line with the Town Planning Board Guidelines for “Application for Development within the Green Belt Zone under Section 16 of the Town Planning Ordinance”.
- (d) Given the previous approved application (No. A/YL-LFS/304) and similar applications in the vicinity, the proposed use is not incompatible with the surrounding environment and the approval of the current application will not set an undesirable precedent.
- (e) The proposed development will not have any barbeque spot, night-time operation and mainly involves non-polluting activities. No public announcement system will be used. So the potential nuisance to the surrounding area will be greatly reduced.
- (f) The existing hard-paving at the Site will be removed except for the two site offices (Structures S1 and S2) (about 117 m² (0.56%) of the Site) (**Drawing A-1**) where the parking space area will be surfaced by grass paving.
- (g) On weekdays, it is expected that educational institutions will be the major visitors, such as school picnics and academic field trips, and they will be travelled by coaches with 24 – 40 seats. At weekends/public holidays, apart from leisure visit by family households travelled by private cars, there will be large-scale tour groups organized by district councillors, charities and non-governmental organizations.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance” (TPB PG-No. 31A) by posting site notice and publishing notice on local newspapers. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, TPB PG-No. 31A is not applicable.

4. Background

The southern portion of the Site is subject to an active planning enforcement case (No. E/YL-LFS/511) (**Plan A-2**) and the alleged unauthorized development (UD) is parking of vehicles. The Enforcement Notice (EN) was issued to the registered land owners on 14.8.2020 requiring the UD to be discontinued by 14.10.2020. The Site will be kept under close monitoring for further action.

5. Town Planning Board Guidelines

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

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

6. Previous Applications

6.1 The Site involves 3 previous applications¹ (No. A/YL-LFS/56, 172 and 304) covering more or less the same site as the current application for similar recreational use. All were approved with conditions by the Committee. Details of these previous applications are shown in **Appendix III** and their locations are shown on **Plan A-1b**.

6.2 Application No. A/YL-LFS/56 (covering more or less the same site as the current application by a different applicant) for proposed recreational development including garden, fishing ground, barbecue spot, refreshment

¹ Two minor southern portions of the Site are also involved in two applications (No. A/YL-LFS/10 and 352) for pond filling and temporary religious institution respectively.

kiosk, public car park with ancillary facilities (in which the ancillary public car park covers about 10% of the site) was approved with conditions by the Committee on 28.7.2000 mainly on the grounds of in line with the planning intention of the “GB” zone, compatible with the surrounding environment, no significant traffic and environment impacts to the area and no adverse departmental comments. However, the approved development had not been implemented and the planning permission lapsed on 29.7.2003.

- 6.3 Application No. A/YL-LFS/172 (covering the same site as the current application by a different applicant) for proposed recreational development including barbecue spot, refreshment kiosk, hobby farming, fishing ground, children playground and ancillary public car park (in which the ancillary public car park covers about 10% of the site) was approved with conditions by the Committee on 7.3.2008 mainly on the grounds of compatible with the surrounding land uses, no significant traffic and environmental impacts on the surrounding areas, no adverse departmental comments, and addressing departmental concern by imposing approval conditions. The approved development had not been implemented and the planning permission lapsed on 8.3.2012.
- 6.4 Application No. A/YL-LFS/304 (covering the same site as the current application by the same applicant) for proposed place of recreation, sports or culture and shop and services (including barbecue spot, refreshment kiosk, hobby farming, children playground and ancillary public car park) (in which the ancillary public car park covers about 10% of the site) was approved with conditions by the Committee on 6.4.2018 for a period of 3 years mainly on grounds of not in conflict with the planning intention of the “GB” zone, the scale not incompatible with the characters and land uses in the surrounding areas, in line with the TPB PG-No. 10, no objection/adverse comments from Government departments concerned and in line with the Committee’s previous decisions. The approved development had not been implemented and the planning permission was revoked on 7.1.2020 due to non-compliance with approval conditions on fencing, drainage, FSIs as well as tree preservation and landscape aspects.
- 6.5 Compared with the last approved application No. A/YL-LFS/304, the current application was submitted by the same applicant for a similar recreational use on the same site but with different layout and development parameters.

7. Similar Applications

- 7.1 There are 12 similar applications (No. A/YL-LFS/31, 39, 63, 86, 127, 135, 166, 278, 302, 311, 343 and 344) within the same “GB” zone, in which 8 applications were approved by the Committee/Board and 4 were rejected. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.
- 7.2 The 4 rejected applications involved 4 different sites (**Plan A-1a**). Application No. A/YL-LFS/31 for pond filling and development of golf driving range with ancillary private club, conservation and recreational

facilities was rejected by the Board upon review on 18.12.1998. Application No. A/YL-LFS/127 for proposed temporary roller skating rink was rejected by the Board upon review on 17.6.2005. Application No. A/YL-LFS/302 for proposed temporary place of recreation, sports or culture (hobby farm and fishing ground), which involved hard-paving (about 20% of the site), was rejected by the Committee on 8.12.2017. Application No. A/YL-LFS/344 for proposed temporary place of recreation, sports or culture (fishing ground), which involved hard-paving (about 33% of the site), was rejected by the Committee on 2.8.2019. The rejection reasons for these applications mainly included not in line with the planning intention of the “GB” zone, not complying with the TPB PG-No. 10 in respect of extensive hard-paving/clearance of natural vegetation or affecting the natural landscape, not complying with the Town Planning Board Guidelines for “Application for Development within Deep Bay Area” in that it will affect the ecological integrity of the existing fish pond, insufficient information to demonstrate no adverse traffic, drainage and landscape impacts, and/or undesirable precedent.

- 7.3 For the 8 approved applications, they covered 6 sites (**Plan A-1a**). Application No. A/YL-LFS/39 for proposed recreational uses including barbecue spot, playground, refreshment kiosk, visitor centre, public car park and ancillary uses at a site partly zoned “GB” and partly zoned “Village Type Development” was approved with conditions by the Committee on 14.5.1999 mainly on the grounds of the applied development primarily rural in character and not affecting natural landscape; no filling of existing pond; compatible with the surrounding land uses and no adverse environmental and traffic impacts.
- 7.4 Applications No. A/YL-LFS/63, 86 and 135 covered the same site for refreshment kiosk with ancillary car park use. They were approved/approved upon review with conditions by the Committee/Board between 2001 and 2005 for a period of 1 year or 3 years on the grounds of not incompatible with the surrounding rural area, no major adverse comments from concerned departments, and imposing relevant approval conditions to address technical concerns. However, the permission for Application No. A/YL-LFS/135 was revoked on 20.12.2005 due to non-compliance with approval conditions regarding prohibition of overnight accommodation and erection of additional structures other than those approved.
- 7.5 Application No. A/YL-LFS/166 for temporary hobby farming (organic farm and education centre) for a period of 3 years was approved by the Committee on 14.12.2007 on the grounds of not in conflict with the planning intention of the “GB” zone, compatible with the rural character of the area and no significant traffic and environmental impacts expected. The planning permission was revoked on 14.9.2008 due to non-compliance with approval conditions regarding the submission of a revised drainage impact assessment, implementation of landscape and tree preservation proposal and provision of FSIs.
- 7.6 Applications No. A/YL-LFS/278, 311 and 343 covered different sites but of same use for temporary place of recreation, sports or culture (hobby farm) for a period of 3 years were approved by the Committee between 2015 and 2019

on similar considerations as Application No. A/YL-LFS/166. However, the permission for Application No. A/YL-LFS/278 was revoked on 27.1.2016 due to non-compliance with approval condition of prohibiting land filling works while that for Application No. A/YL-LFS/311 was revoked on 3.11.2019 due to non-compliance with all the time-limited approval conditions except the submission of FSIs proposal.

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

8.1 The Site is:

- (a) currently partly hard-paved and partly vegetated. The southern portion of the Site is currently used for parking of vehicles without valid planning permission; and
- (b) accessible via a local track from Tin Wah Road (**Plan A-2**).

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate west and north is a large piece of vacant and unused land on vegetated slopes;
- (b) to the immediate south are suspected unauthorised development (UD) of a temple, a pond and vacant land; and
- (c) to the immediate east is the “O(1)” zone with suspected UD of open storage; and to the further east across Tin Ying Road is the nullah and a public housing development named Tin Chak Estate.

9. Planning Intention

The planning intention of “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. However, limited development may be permitted if they are justified on strong planning grounds.

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site comprises GL and Old Schedule Agricultural Lots 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) The private lot which is covered by Modification of Tenancy (MoT) is listed below:

Lot No. in D.D. 129	MoT No.	Permitted Structures
1605	17784	Private Residential, Porch, Kitchen (outside the Site)

- (c) Should planning approval be given to the planning application for temporary use, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Also, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If the application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.

Nature Conservation

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

Based on the aerial photo of January 2018, the Site is largely disturbed. Noting the application is similar to the previous approved application which was on the same site for similar use, she has no comment from nature conservation point of view.

Environment

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

- (a) No environmental complaint pertaining to the Site has been received in the past three years.
- (b) Provided that the applicant would minimise any noise from the proposed use such as prohibiting the use of loudspeakers so that it would not cause any environmental nuisance to nearby sensitive receivers, he has no adverse comment on the application from environmental planning perspective.

Traffic

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

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

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

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

Landscaping and Urban Design

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

Landscaping

- (a) According to the aerial photo of 2018, the Site is paved with gravels and covered with patches wild grasses. There are a few trees observed at south and west of the boundary within the Site. The Site is located in an area of rural fringe landscape character predominated by woodland, modified pond, open storage yards, and graveyards. Dense vegetation and groups of mature trees are found along the western site boundary, while active farm is observed immediate to the northeast of the Site.
- (b) According to the FI (**Appendix Ib**), the applicant would maintain the proposed parking area to meet parking need. Referring to the indicative layout plan, the parking area and associated manoeuvring space takes up almost half of the Site while the farming area is comprised of only a quarter of the Site. The proposed development is considered incompatible with the

rural fringe character and surrounding natural environment.

- (c) In view of the above, she has reservation on the application from landscape planning perspective.
- (d) The applicant is advised that approval of the application does not imply approval of the trees works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain necessary approval on tree works.
- (e) In view that there are existing trees generally along the boundary of the Site, it is considered not necessary to impose any landscape condition should the application be approved by the Board.

Urban Design

- (f) Given that the scale of the application is a low-rise development and various activities have been in existence in the vicinity of the Site, the proposal is considered not incompatible with the surrounding context and adverse visual impact is not anticipated.

Building Matters

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

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

Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

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

Geotechnical

10.1.8 Comments of the Head of GEO, CEDD (H(GEO), CEDD):

- (a) He has no adverse geotechnical comments on the application.
- (b) It is noted that the applicant has included a 'no-build' zone at the northwest part of the Site in the FI, therefore the submission of Geotechnical Planning Review Report and the requirement of a natural terrain hazard study is not required.
- (c) The applicant is reminded to submit building works to BD for approval as required under the provisions of the BO.

Drainage

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

- (a) He has no objection in principle to the application from drainage point of view.
- (b) Should the application be approved, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to FSIs being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed

FSIs to his department for approval.

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

Others

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

- (a) No Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surroundings.
- (b) Proper license/permit issued by FEHD is required if there is any catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.
- (c) For any waste generated from such activity/operation, the applicant should arrange disposal properly at their own expenses.

District Officer's Comments

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

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

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

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

11. Public Comments Received During Statutory Publication Period

- 11.1 On 27.3.2020 and 8.5.2020, the application and FI were published for public inspection. During the statutory public inspection periods, 15 public comments were received from World Wide Fund for Nature Hong Kong, Designing Hong Kong, representatives from Sha Kong Wai, villagers from Sha Kong Wai and Mong Tseng Wai and an individual. All are objecting to the application. Samples of similar comments and other individual comment are attached at **Appendices V-1 to V-6**. All the public comments received are deposited at the meeting for Member's inspection.
- 11.2 Major objection reasons are summarised as follows:
- (a) the proposed use will generate adverse traffic and environmental impacts to the surrounding area;
 - (b) the Board should not encourage "destroy first, build later" attitude; and
 - (c) approval of the application would set an undesirable precedent for similar applications within the same "GB" zone.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed place of recreation, sports or culture and shop and services (including hobby farming, children playground, refreshment kiosk, handicraft making and ancillary public car park). The Site is mainly zoned "GB" on the OZP. The planning intention of "GB" zone is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. However, limited development may be permitted if they are justified on strong planning grounds. According to the applicant's proposed layout plan (**Drawing A-3**), the northern portion of the Site (about 1 ha) is proposed for hobby farm, children playground, lawn, etc. while the southern portion of the Site (about 1 ha) is proposed for ancillary public car park comprising 30 coach parking spaces, 59 private car parking spaces, 2 loading/unloading bays for light goods vehicles and maneuvering space. The applicant justified that the expected number of visitors on weekdays and at weekends/public holidays are about 600 and 900 respectively. Apart from leisure visit by family households travelled by private cars, the major visitors are educational institutions (such as school picnics and academic field trips) and large-scale tour groups organized by district councilors, charities and non-governmental organization travelled by coaches with 24 – 40 seats. Hence, 30 coach parking spaces, 59 private car parking spaces and adequate maneuvering space are required. In view of the above, the proposed development is not in conflict with the planning intention of the "GB".
- 12.2 The Site is situated in an area of rural landscape character comprising scrubland, vegetated hillslopes, pond and suspected UD of temple and open storage uses. The proposed use, with a total floor area of 1,844 m² and 1-2

storeys (3m - 5.2m) structures, is considered not incompatible with the surrounding land uses.

- 12.3 According to the TPB PG-No.10, there is a general presumption against development within the “GB” zone. New development will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The design and layout of any proposed development should be compatible with the surrounding area, and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Whilst CTP/UD&L, PlanD has reservation on the application in view that half of the Site is proposed to be used for car parking which may not be compatible with the rural fringe character and surrounding natural environment, the applicant justified that a large car parking area is necessary to accommodate group visitors and committed that the existing hard-paving on the Site will be removed (except for the two site offices with about 117m² of the Site) and the parking area will be surfaced by grass paving. In this regard, C for T has no adverse comment on the application from traffic engineering point of view. To address the concern over the land use compatibility with the surrounding environment, appropriate approval condition on removal of hard-paving and grassing the parking area is recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority.
- 12.4 Relevant departments including C for T, CE/MN of DSD, DEP and D of FS have no objection to/ adverse comment on the application on the traffic, drainage, environment and fire safety aspects.
- 12.5 The Committee has approved three previous applications (No. A/YL-LFS/56, 172 and 304) covering more or less the same site as the current application for similar recreational use and eight similar applications within the same “GB” zone. Approval of the current application is in line with the Committee’s previous decisions.
- 12.6 Whilst three previous planning approvals for similar recreational developments had been granted to the Site, the approved developments had not been implemented. As mentioned in para. 12.3 above, in order to monitor the operation of the proposed development, it is considered that a temporary approval for 3 years, instead of on a permanent basis as sought, should be granted.
- 12.7 There are 15 public comments objecting to the application on the grounds as summarized in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, the Planning

Department has no objection to the application for proposed place of recreation, sports or culture and shop and services (including hobby farming, children playground, refreshment kiosk, handicraft making and ancillary public car park) on a temporary basis for 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 **4.9.2023**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 6 p.m. and 11 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 8 p.m. and 11 a.m. on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no use of public announcement system, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no vehicle queuing back to or reverse onto/from the public road is allowed at any time during the planning approval period;
- (e) removal of the existing hard-paving on the Site, except for the site offices, and paving the parking area with grass before operation of the proposed use, as proposed by the applicant;
- (f) the provision of fencing of 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 **4.3.2021**;
- (g) the submission of a 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 **4.3.2021**;
- (h) in relation to (g) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **4.6.2021**;
- (i) in relation to (h) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) 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 **4.3.2021**;
- (k) in relation to (j) 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 **4.6.2021**;

- (l) if any of the above planning conditions (a), (b), (c), (d) or (i) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if the above planning condition (e) is not complied with before operation of the proposed use, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (h), (j) or (k), 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
- (o) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

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

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

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 20.3.2020 with development proposal and plans
Appendix Ia	FI received on 27.4.2020 providing responses to comments of the Transport Department and the Geotechnical Engineering Office of the Civil Engineering and Development Department and a revised layout plan
Appendix Ib	FI received on 6.7.2020 providing supplementary information on the paving area and the parking space area
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Application for Development within the Green Belt Zone (TPB PG-No. 10)
Appendix III	Previous applications covering the Site
Appendix IV	Similar applications within the same “GB” zone on the Approved Lau Fau Shan and Tsim Bei Tsui OZP and same “O(1)” zone on the Approved Tin Shui Wai OZP
Appendices V-1 to V-6	Public Comments
Appendix VI	Advisory Clauses
Drawing A-1	Location Plan with Proposed Vehicular Access
Drawing A-2	Lot Index Plan with Ingress/Egress
Drawing A-3	Proposed Layout Plan
Drawing A-4	Proposed Landscape Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2020**