

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/858**

- Applicant** : 448 (Fish and Vegetable) Cultivation Limited represented by R-riches Property Investment Consultants Limited
- Site** : Lots 40, 130, 502 (Part), 503, 504, 506, 507, 508, 509, 510, 512, 516, 519, 520, 521, 522, 523, 524, 544 and 2154 in D.D. 119 and Adjoining Government Land, Lam Tai West Road, Yuen Long, New Territories
- Site Area** : 14,354 m<sup>2</sup> (about) (including about 160 m<sup>2</sup> of Government land (GL))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/10  
(at the time of submission of application)
- Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/11  
(currently in force)
- Zoning** : “Green Belt” (“GB”)  
[No change to the subject “GB” zone]
- Application** : Temporary Place of Recreation, Sports or Culture (Hobby Farm), Picnic Area, Barbecue Spot and Tent Camping Ground 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), picnic area, barbecue spot and tent camping ground for a period of 3 years (**Plan A-1**). According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The applicant seeks temporary approval for a period of 3 years. The Site currently occupied by the applied use without valid planning permission.
- 1.2 Part of the Site was the subject of 3 previous applications (No. A/YL-TT/407, 507 and 625) for place of recreation (war game playground), which were approved by

the Board on review or the Rural and New Town Planning Committee (the Committee) on a temporary basis. Details of the previous applications are at paragraph 6 below and **Appendix II**.

1.3 The Site is accessible from Lam Tai West Road to its northeast via a local access (**Plan A-2**). According to the applicant, the Site is mainly divided into the following areas: hobby farm (13.6%), barbecue, picnic and tent camping area (32.8%), nature reserve and ponds (18%), car parking (8.1%) and miscellaneous areas (27.5%). The Site would be open to public and can accommodate a maximum of 180 visitors. Majority of the Site would be grass-paved or covered by soil floor/ hobby farm/ existing ponds and a minor portion (about 9.8%) would be hard paved for open playing ground (for children cross country tricycle) and for circulation purposes. Structures would be erected for the covered barbecue spot, activities room/show room and storage uses. A lot index plan with vehicular access, a site layout plan, plans showing hard paved area, soil floor and grass paved area, existing ponds and farm area, a landscape plan, and a land use distribution plan submitted by the applicant are at **Drawings A-1 to A-7** respectively.

1.4 The major development parameters are as follows:

Site Area	About 14,354m <sup>2</sup> (including about 160m <sup>2</sup> of GL)
No. of Structures	17 (including covered barbecue spot, storage, and activities/show room)
Total Floor Area (Non-domestic)	266.75 m <sup>2</sup>
Height of Structures	3m (1-storey)
No. of Parking Spaces	21 (for private cars and light goods vehicles)
No. of Pick-up/Drop-off Spaces	2 (for 16-seat minibuses only)
No. of Loading/Unloading Space	1 (for light goods vehicles)
Operation Hours	8:00 a.m. to 6:00 p.m. daily, including public holidays (for hobby farm, picnic and barbecue areas only)  24 hours daily, including public holidays (for tent camping area only)

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

- (a) Application Form with appendix and plans received on **(Appendix I)**  
31.8.2017
- (b) Further Information received on 27.9.2017 providing **(Appendix Ia)**  
responses to departmental comments and revised site location and layout plans

- (c) Further information received on 30.1.2018 providing **(Appendix Ib)** responses to departmental comments and plans showing hard paved area, soil floor and grass paved area, existing ponds and farm area, landscape plan and land use distribution plan

1.6 On 27.10.2017, the Committee agreed to defer a decision on the application for 2 months as requested by the applicant's representative. On 22.12.2017, further information **(Appendix Ib)** was received and the application is submitted to the Committee for consideration at this meeting.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the appendix page attached to the Application Form at **Appendix I**, and further information at **Appendices Ia** and **Ib**. They can be summarized as follows:

- (a) The Site is compatible with the surrounding environment, which is predominantly rural in nature. Given that large amount of trees are found in between and vicinity of the Site, large scale of landscaping work would be unnecessary. Therefore, 39 trees would be proposed to be planted at the site boundaries to minimize adverse landscape impact to the surrounding rural environment.
- (b) Loudspeakers and public announcement systems will not be used within the Site. The existing natural stream within the Site would be fenced off to avoid visitors from reaching. Rubbish will be carried away by visitors and wastewater will be disposed of in a nearby public toilet. There will be no excavation or filling of land carried out within the Site.
- (c) While the proposed private car parking spaces, which are available for visitors upon online booking, would not be able to cope with the peak demand, the applicant would arrange minibus services for visitors to/from the railway station. Thus, adverse traffic impact is not envisaged.
- (d) Similar application has been approved in the vicinity. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the area.

## **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 newspaper notice. Detailed information would be deposited at the meeting for Members' inspection.

#### 4. **Background**

The Site is the subject of planning enforcement action on unauthorized hobby farm use. Warning letter to the operator has been issued requesting the concerned party to discontinue the unauthorized development (UD) or to obtain planning permission. The Planning Authority is monitoring the UD and will take appropriate action if the current application is rejected by the Board.

#### 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 this application. The relevant assessment criteria are summarized as follows and detailed at **Appendix II**:

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

#### 6. **Previous Applications**

- 6.1 The northern part of the Site was involved in 3 previous planning applications (No. A/YL-TYST/407, 507 and 625) submitted by a different applicant for temporary place of entertainment (war game playground). Details of these applications are summarized at **Appendix III** and the location is shown on **Plan A-1**.
- 6.2 The first application (No. A/YL-TYST/407) was approved by the Board on review for a period of 2 years on 2.1.2009. In considering the application, whilst noting the concerns from the Director of Agriculture, Fisheries and Conservation (DAFC) and the Planning Department in respect of being not in line with planning

intention, impact on the existing vegetation and precedent effect, the Board considered that the site was an abandoned agricultural field and orchard and some Members were of the view that war game activities were beneficial to the community and should be encouraged. After discussion, a majority of the Members agreed that the application could be approved given that, amongst others, no local objection was received, the traffic impact was insignificant and the potential environmental, landscape and drainage impacts could be monitored by imposing appropriate approval conditions. The application was approved for a shorter period of 2 years, instead of 3 years sought, to monitor the situation.

- 6.3 The subsequent renewal applications (No. A/YL-TYST/507 and 625) were approved with conditions by the Committee on 23.12.2010 and 21.12.2012 respectively. However, the planning permission under the last application (No. A/YL-TYST/625) was subsequently revoked on 3.7.2013 due to non-compliance with approval conditions requiring the submission of tree preservation and fire service installations proposals.

## 7. Similar Applications

- 7.1 There are 4 similar applications (Nos. A/YL-TYST/358, 378, 484 and 782) for various place of recreation, sports or culture uses within the same “GB” zone or also straddling the adjacent “Residential (Group D)” (“R(D)”) zone. Details of these applications are summarized at **Appendix IV** and the locations are shown on **Plan A-1**.
- 7.2 The first three applications (No. A/YL-TYST/358, 378 and 484) for temporary barbecue site cum green recreational playground; temporary war game field; and proposed temporary organic farm cum barbecue and leisure activity area were rejected by the Committee on 22.6.2007, 20.6.2008 and 30.7.2010 respectively mainly on similar considerations of, among others, being not in line with the planning intention of “GB” (and “R(D)”) zone(s) and insufficient information to demonstrate no adverse environment, traffic, drainage and/or landscape impacts
- 7.3 Application No. A/YL-TYST/782 for proposed temporary place of recreation, sports or culture (hobby farm) on an adjacent site for a period of 5 years by the same applicant as the current application was approved with conditions by the Committee on 27.5.2016 mainly on considerations of not in conflict with the planning intention of the “GB” zone; not incompatible with the surrounding areas; and no adverse environmental, traffic, agricultural and landscape impacts envisaged. The conditions requiring provision of boundary fence, submission and implementation of run-in/run-out proposal, tree preservation and landscape proposal and drainage proposal, as well as implementation of fire service installation proposal are yet to be complied with.

## 8. The Site and Its Surrounding Areas (Plans A-1, A-2 and A-4a to A-4e)

8.1 The Site is:

- (a) accessible from Lam Tai West Road to its northeast (**Plan A-2**);

- (b) comprising 4 portions which are connected by internal footpaths; and
- (c) currently used for the applied use without valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) the surrounding areas are mainly rural in character predominated by fallow agricultural land and unused land;
- (b) to the immediate east of the Site is a hobby farm operating with valid planning permission granted under application No. A/YL-TYST/782 by the same applicant; and
- (c) to its further north is a war game field, which is a suspected unauthorized development subject to enforcement action taken by the Planning Authority.

## **9. Planning Intention**

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

## **10. Comments from Relevant Government Departments**

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

### **Land Administration**

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

- (a) The Site comprises 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) No permission is given for occupation of GL (about 160m<sup>2</sup> subject to verification) included in the Site. Attention is drawn to the fact that any occupation of GL without Government’s prior approval is not allowed.
- (c) The Site is accessible to Lam Tai West Road via GL and Private Land. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way.

- (d) Should planning approval be given to the subject planning application, the lot owner(s) will need to apply to her office to permit the structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a formal approval exclude the area involving the existing footpath prior to the actual occupation of the GL portion. Such application(s) will be considered by her department acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by his department.

## **Traffic**

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

- (a) The applicant is advised that the proposed shuttle bus service is subject to approval of Transport Department (TD) with due consideration of availability of public transport services in the vicinity of the development site. Subject to the details of the application, the proposed shuttle bus service may not be approved.
- (b) The land status of the access road/path/track leading to the Site at Lam Tai West Road shall be checked with the lands authority.
- (c) The management and maintenance responsibilities of the access road/path/track shall be clarified. The relevant management and maintenance authorities shall be consulted accordingly.

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

- (a) The proposed vehicular access arrangement should be commented by the TD.
- (b) If any proposed run-in is agreed by TD, the applicant should provide the run-in/run-out at Lam Tai West Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (c) If provision of run-in/out involved removal of railings, agreement from TD should be sought before commencement of the works. The run-in/run-out may affect roadside trees, LandsD and Leisure and Cultural Services Department (LCSD) should be consulted.
- (d) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

- (e) His department shall not be responsible for the maintenance of any access connecting the Site and Lam Tai West Road. The sloped area at the back of the footpath of Lam Tai West Road and the drain at the toe are not maintained by his department.

### **Environment**

#### 10.1.4 Comment of the Director of Environmental Protection (DEP):

The latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issues by his department should be observed by the applicant.

### **Landscape**

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

- (a) The Site is about 1.4ha, located near Lam Tai West Road within an area zoned “GB” on the draft Tong Yan San Tsuen OZP No. S/YL-TYST/11. The northern portion of the Site involves 3 previously approved applications (No. A/YL-TYST/407, 507 and 625) for the war game playground use with approval conditions applied. The current application is seeking planning permission for the applied use for a period of 3 years.
- (b) Based on the information submitted and the site photo taken on 8.9.2017, the Site is located in a vegetated area with some ponds and woodlands. Shrubs and turf have been planted on some agricultural fields that have been formed/tidied up. With reference to the aerial photos conducted in 2009, 2014 and 2015, it seems that some vegetation (trees, shrubs and groundcovers) were gradually removed and cleared prior to this application. According to the site visit conducted on 8.9.2017, it was observed that the proposed facilities, such as car park, playground, tent camping ground, hard-paved area and associated structures, had already been implemented in place with site formations conducted. Impact on existing landscape resources, such as topography and vegetation, had taken effect.
- (c) Although the applicant proposed a draft landscape proposal (**Drawing A-6**), there is no information on existing tree and its preservation proposal.
- (d) Therefore, he has reservations to the application from the landscape planning perspective. Should the Board approve this application, he would recommend the submission and implementation of a revised landscape and tree preservation proposal to the satisfaction of the Board or the Director of Planning.



### **Nature Conservation**

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

- (a) His site inspection revealed that the Site comprises some disturbed areas covered with vegetation, maintained grassland, two ponds at the western end and a small natural stream running from the southwest to the east of the Site, scattered with some mature trees and some individuals of precious plants. Mature woodland is found in the vicinity of the Site. Some paved paths are also noted immediately adjacent to or partly within the Site, next to the proposed picnic area, tent camping ground and barbecue area.
- (b) Based on the Environmental Impact Assessment study under Agreement No. CE 35/2012 (CE) for Housing Sites in Yuen Long South, the mature woodland and natural streams in the “GB” zone were considered of moderate to high and moderate ecological value, respectively.
- (c) According to the applicant’s submission, it is noted that the applied development would not involve any filling of pond/land, excavation or diversion of stream. The hard paved areas (mostly already paved) comprise a relatively minor portion of 9.8% of the Site. The applicant has also proposed measures to preserve the existing natural stream, for example, fencing off to avoid visitors from reaching. As such, he has no strong view on the application from nature conservation point of view. Should the application be approved, the applicant should be advised to adopt appropriate measures to avoid causing disturbance or pollution to the existing stream within or immediately adjacent to the Site as well as the mature woodland in the vicinity of the Site. Trees within or adjacent to the Site should also be preserved.
- (d) From agriculture point of view, he has no strong view on the application as part of the Site will be used for farming activities and most of the Site will be maintained as soil and grass floor.

### **Drainage**

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

- (a) He has no objection in principle to the application from the public drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the submission and implementation of drainage proposal and the maintenance of the implemented drainage facilities to the satisfaction of the Director of Drainage Services or of the Board

should be stipulated.

### **Fire Safety**

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

- (a) He has no objection in principle to the application subject to fire services installations (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. In addition, the applicant should also be advised on the following points:
  - (i) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy.
  - (ii) The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Water Supply**

#### 10.1.9 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application subject to the following comments.
- (b) For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards.

### **Building Matters**

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

- (a) As there is no record of approval by the Building Authority for the structures existing at the site, BD is not in a position to offer comments on their suitability for the use proposed in the application.

- (b) The applicant's attention is drawn to the following points:
- (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under BO and should not be designated for any proposed use under the application.
  - (ii) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under BO.
  - (iii) 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 BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with BO.
  - (iv) 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.
  - (v) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage.

### **Others**

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

In the interest 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. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice in Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

#### 10.1.12 Comments of the Chief Engineer/Cross-Boundary and Infrastructure

Development, Planning Department (CE/CID, PlanD):

CEDD and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation” (the Study). The Site falls within the Study Area of YLS but outside the development area of YLS. Hence, the Site would not be affected by any development proposal under the Study.

### **District Officer’s Comments**

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

He has not received any comments from the locals on the application.

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

- (a) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (b) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (c) Commissioner of Police (C of P).

## **11. Public Comment Received During Statutory Publication Period**

On 8.9.2017, the application was published for public inspection. During the first 3 weeks of the statutory public inspection periods which ended on 29.9.2017, one comment (**Appendix V**) was received from a member of the public objecting to the application on grounds of legalizing UD following the revocation of planning permission; disturbing the natural environment; and setting an undesirable precedent.

## **12. Planning Considerations and Assessments**

12.1 The subject application is for temporary place of recreation, sports or culture (hobby farm), picnic area, barbecue spot and tent camping ground for a period of 3 years at a site zoned “GB” on the OZP. The planning intention of the “GB” zone is primarily to define the limits of urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The applied development, which involves vegetation clearance and 17 structures including covered barbecue spot, storage and activities/show room, is not in line with the planning intention of the “GB” zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

12.2 The scale of the development under application covering an extensive area of about 14,354m<sup>2</sup> is not entirely compatible with the surrounding areas which comprise predominantly agricultural land and unused land and are largely rural in character (**Plan A-2**).

- 12.3 According to the relevant Town Planning Board Guidelines (TPB PG-No.10), there is a general presumption against development within this zone and an application for new development within “GB” zone will only be considered in exceptional circumstances. It must be justified with very strong planning grounds. The development should not affect the existing natural landscape and cause any adverse landscape impact on the surrounding areas. CTP/UD&L, PlanD points out that vegetation clearance and hard-paving of the Site had taken place over the years, resulting in adverse landscape impacts. He has some reservation on the application from landscape planning perspective. He also points out that although the applicant proposed a draft landscape proposal (**Drawing A-3**), there is no information on existing tree and its preservation proposal. In this regard, the development is not in line with the TPB PG-No. 10 in that the applied development would affect the natural landscape.
- 12.4 There are 3 similar applications (No. A/YL-TYST/358, 378 and 484) for temporary barbecue site cum green recreational playground, temporary war game field, and proposed temporary organic farm cum barbecue and leisure activity area in the same “GB” zone previously rejected by the Committee on 22.6.2007, 20.6.2008 and 30.7.2010 respectively (**Plan A-1** and paragraph 7.2 refer). These applications were rejected mainly on the grounds of, inter alia, being not in line with the planning intention of the “GB” zone and there was insufficient information to demonstrate the proposed developments would not have adverse environmental, traffic, drainage and/or landscape impacts.
- 12.5 The Board had approved upon review a previous application (No. A/YL-TYST/407) for war game playground use covering a minor portion of the Site on 2.1.2009 and two renewal applications (No. A/YL-TYST/507 and 625) were subsequently approved by the Committee on 23.12.2010 and 21.12.2012 respectively. The background of application No. A/YL-TYST/407 is set out in paragraph 6.2. However, for the current application, there is insufficient information to demonstrate the planning merits of the applied development and that the landscape concern could be addressed through approval condition. Also, although the Committee has approved an application (No. A/YL-TYST/782) for a hobby farm covering an adjacent site in the same “GB” zone on 27.5.2016, the approved development is mainly used for farming and associated ancillary uses (about 88%), without barbecue, picnic, tent camping ground and other recreational uses. In comparison, the applied development is mainly occupied by barbecue, picnic, tent camping and car parking area (about 40.9%) whilst farming activities account for only about 13.6% of the Site.
- 12.6 There is one public comment (**Appendix V**) received during the statutory publication period raising objection to the application on the grounds as summarized in paragraph 11 above. The above planning considerations and assessments in paragraphs 12.1 to 12.5 are relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments as mentioned in paragraph 11, the Planning Department does not

support the application for the following reasons:

- (a) the development is not in line with 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. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the proposed development does not comply with the TPB Guidelines PG-No. 10 in that the proposed development would affect the existing natural landscape.

13.2 Alternatively, 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 9.2.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no excavation and land filling, as proposed by the applicant, are allowed on the Site during the planning approval period;
- (b) no operation between 6:00p.m. and 8:00a.m., except that carried out in the tent camping grounds, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) the provision of boundary fence on the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 9.8.2018;
- (f) the submission of run-in/run-out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 9.8.2018;
- (g) in relation to (f) above, the implementation of run-in/run-out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 9.11.2018;
- (h) the submission of a revised landscape and tree preservation proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 9.8.2018;

- (i) in relation to (h) above, the implementation of the revised landscape and tree preservation proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 9.11.2018;
- (j) 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 9.8.2018;
- (k) in relation to (j) 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 9.11.2018;
- (l) in relation to (k) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (m) 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 9.8.2018;
- (n) in relation to (m) 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 9.11.2018;
- (o) if any of the above planning conditions (a), (b), (c), (d) or (l) 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;
- (p) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k), (m) or (n) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

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

**14. Decision Sought**

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for the planning permission.

14.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

## **15. Attachments**

<b>Appendix I</b>	Application Form with appendix and plans received on 31.8.2017
<b>Appendix Ia</b>	Further Information received on 27.9.2017 providing responses to departmental comments and revised site location and layout plans
<b>Appendix Ib</b>	Further information received on 30.1.2018 providing responses to departmental comments and plans showing hard paved area, soil floor and grass paved area, existing ponds and farm area, landscape plan and land use distribution plan
<b>Appendix II</b>	Extract of Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10)
<b>Appendix III</b>	Previous Applications covering the Application Site
<b>Appendix IV</b>	Similar applications within/straddling the same “GB” zone on the draft Tong Yan San Tsuen OZP
<b>Appendix V</b>	Public comment received during the statutory publication period
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Lot index plan with vehicular access
<b>Drawing A-2</b>	Plan showing Hard Paved Area
<b>Drawing A-3</b>	Plan showing Soil Floor and Hard Paved Area
<b>Drawing A-4</b>	Plan showing Existing Ponds
<b>Drawing A-5</b>	Plan showing Farm Area
<b>Drawing A-6</b>	Landscape Plan
<b>Drawing A-7</b>	Land Use Distribution Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3a and A-3b</b>	Aerial Photos



**Plans A-4a to A-4e    Site Photos**

**PLANNING DEPARTMENT  
FEBRUARY 2018**