

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

**APPLICATION NO. A/I-TCV/19**

- Applicant** : Full Dragon Investment Limited
- Site** : Lots 1886 (Part) and 1890 (Part) in D.D.1 TC, Tung Chung Valley, Lantau Island
- Site Area** : About 320m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tung Chung Valley (TCV) Outline Zoning Plan (OZP) No. S/I-TCV/2
- Zoning** : “Residential (Group C)2” (“R(C)2”)  
[restricted to a maximum plot ratio of 1 and a maximum building height of 25mPD]
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years (**Plan A-1**). The Site falls within an area zoned “R(C)2” on the approved TCV OZP No. S/I-TCV/2. According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture’ use is a Column 2 use within the “R(C)2” zone which requires permission from the Town Planning Board (the Board). The Site is currently vacant, and partly paved and partly covered with vegetation.
- 1.2 According to the applicant’s proposal, about 160m<sup>2</sup> of the Site (i.e. 50% of site area) will be used for farming under aquaponics, while three one-storey temporary structures with a total floor area of about 123.4m<sup>2</sup> (covering about 38.6% of site area) including a green house with a floor area of about 92.89m<sup>2</sup> (not more than 4.5m in height) with two fish tanks (1m<sup>3</sup> in volume) and two structures (about 3m in height) which will be used for aquaponics reference and electric meter room, and fish and farm tools storage respectively will be

erected on the Site. A loading/unloading space for light goods vehicle will be provided. Stormwater drainage facilities will be provided to collect surface runoff at the Site and adjoining areas and discharge the runoff to a stream in the east of the Site. The layout plan and schematic diagram of the aquaponics proposal submitted by the applicant are at **Drawings A-1 to A-2**.

- 1.3 According to the applicant, two regular staff and one part-time staff will work at the Site. The operating hours will be 9:00 a.m. to 6:00 p.m. daily including public holidays. Visitors to the hobby farm are required to make prior appointments and three groups of visitors (only one group of not more than 12 persons each time) are expected to be received per week.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application form with attachments received on **(Appendix I)** 8.6.2022
  - (b) Supplementary information received on 16.6.2022 **(Appendix Ia)**
  - (c) Further Information received on 19.7.2022 and **(Appendix Ib)** 21.7.2022 \*

*\* accepted and 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 in **Appendices I to Ib** and summarised as follows:

- (a) the proposed hobby farm is on a temporary basis and will not jeopardise the planning intention of the “R(C)2” zone for residential development in the long run;
- (b) the surrounding areas of the Site have been used for agricultural purposes for years. The nature and layout of the proposed hobby farm are compatible with the surrounding environment;
- (c) the aquaponics system is by nature an environmentally friendly recycling system providing nutrients to fish and plant species and will not involve discharge of wastewater and use of fertilisers. No toilet will be provided at the Site;
- (d) no structure will be erected within the southwestern portion of the Site (about 6m wide from Road L26) so as to avoid possible conflict with the construction of Road L26. Should the proposed hobby farm be affected by Road L26 in future, the applicant is willing to undertake clearance works within the Site at its own cost to facilitate the implementation of Road L26;
- (e) there is an approved planning application (No. A/I-TCV/17) in the vicinity which involves a temporary shop and services (vegetable and grocery store) with ancillary office and storage uses (**Plan A-1**); and

- (f) since there are planning applications for agricultural use within “R(C)” zones in the New Territories approved by the Board, favourable consideration should be given to the current application.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site was the subject of a planning enforcement case against an unauthorized development (UD) involving storage use (including deposit of containers) (**Plan A-2**). An Enforcement Notice was issued on 17.8.2021 requiring discontinuation of the UD. Subsequent site inspection revealed that the UD has been discontinued with Compliance Notice issued on 9.2.2022.

### **5. Previous Application**

- 5.1 Part of the Site is the subject of a previous application for proposed temporary warehouse for storage of construction materials for three years (No. A/I-TCV/5) submitted by the same applicant and rejected by the Rural and New Town Planning Committee (RNTPC) on 26.1.2018 mainly on the grounds that the proposed use was not in line with the planning intention of the “R(C)2” zone and would frustrate the planning intention of the area for road use; the applicant failed to demonstrate that the proposed use would not have adverse landscape and visual impacts on the surrounding areas; and approval of the application would set an undesirable precedent for similar developments in the surrounding area.
- 5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plans A-1 and A-2**.

### **6. Similar Application**

There is no similar application within the same “R(C)2” zone or in TCV area.

### **7. The Site and Its Surrounding Areas (Plans A-1 to A-5)**

- 7.1 The Site is:
- (a) generally flat, currently fenced off, and partly covered with vegetation and partly paved;

- (b) accessible from Tung Chung Road via an informal local track (**Plans A-2 and A-3**); and
- (c) abutting the planned Road L26 in its immediate south while an area zoned “Other Specified Uses” annotated “Polder” is located to its east (**Plans A-1 and A-2**).

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

- (a) the Site is located within a rural area and surrounded by mainly active and fallow agricultural land, including some vacant lands which had been involved in UDIs and were subject to enforcement action by the Planning Authority;
- (b) to its further east are the western tributary of Tung Chung Stream and its riparian area zoned “Conservation Area”; and
- (c) the village cluster of Lam Che is located about 120m to its further west and a columbarium at Nim Yuen is located about 150m to its further southwest.

## 8. **Planning Intention**

The planning intention of “R(C)2” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

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

All government departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and V** respectively.

## 10. **Public Comments Received During Statutory Publication Period**

On 17.6.2022, the application was published for public inspection. During the statutory public inspection period, three objecting public comments from the Indigenous Inhabitant Representative and Resident Representative of Lam Che Village, Green Power, and an individual were received mainly on the grounds of not in line with the general planning intention of TCV and the Site, adverse impact on the adjacent urns from fung shui perspective, affecting rural tranquillity, polluting the ecologically important Tung Chung Stream and setting an undesirable precedent (**Appendix IV**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is for a proposed hobby farm for a period of three years at the Site zoned “R(C)2” on the TCV OZP. According to the applicant’s proposal, about 160m<sup>2</sup> (i.e. 50% of site area) will be used for farming under aquaponics whilst three one-storey structures which will be used for green house, aquaponics reference and electricity meter room, and fish and farm tools storage with a total floor area of about 123.4m<sup>2</sup> will be erected on the Site.
- 11.2 Whilst the planning intention of the “R(C)2” zone is primarily for low-rise, low-density residential developments, the District Lands Officer/Islands, Lands Department advises that there is no land exchange application received or being processed at the Site. Taking into account that there is no proposal for residential development at the Site, the Site (about 320m<sup>2</sup>) is relatively small, and the application is for temporary use for a period of three years, it is considered that approval of the application on a temporary basis for three years would not jeopardise the long-term planning intention of the “R(C)2” zone.
- 11.3 The Site is situated in an area of mixed rural fringe landscape character with non-sensitive landscape zoning. It is located adjacent to some active and fallow agricultural uses in its south whilst the areas in its north and west are mainly vacant. The Chief Town Planner /Urban Design and Landscape, Planning Department advises that as no existing trees are observed at the Site, significant impact on landscape character and existing landscape resources arising from the application is not anticipated. The proposed temporary hobby farm is considered not incompatible with the surrounding environment.
- 11.4 According to the Head of Sustainable Lantau Office, Civil Engineering and Development Department (H(SLO), CEDD), the southwestern portion of the Site (about 22% of site area) would fall within the proposed land requirement area for the adjoining Road L26 under the Tung Chung New Town Extension project. The gazette of road works and associated land resumption plan is scheduled for the second half of 2022 and the commencement of construction is targeted in 2024. Noting that no structure is proposed within the southwestern portion of the Site and the applicant is willing to undertake clearance works within the Site to facilitate the implementation of Road L26, H(SLO), CEDD has no comment on the application. Should the application be approved, an advisory clause stating that part of the Site may be resumed by the Government at any time during the approval period for implementation of government project is recommended.
- 11.5 Other relevant government departments, including the Commissioner for Transport, Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD), Director of Environmental Protection, Director of Agriculture, Fisheries and Conservation, and Director of Fire Services (D of FS) have no objection to or no adverse comment on the application. It is anticipated that the proposed use would not generate adverse traffic, drainage, environmental, landscape and fire safety impacts on the surrounding areas. The technical requirements of CE/HK&I, DSD and D of FS could be addressed by approval conditions in paragraphs 12.2 (a) to (e) below.

- 11.6 Regarding the public comments objecting to the application, the departmental comments in paragraph 9 and **Appendix III** and planning assessments in paragraphs 11.1 to 11.5 above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 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 29.7.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) the submission of a revised 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 29.1.2023;
- (b) in relation to (a) 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 29.4.2023;
- (c) in relation to (b) above, the maintenance of the implemented drainage facilities at all times during the planning approval period;
- (d) the submission of a fire service installations and water supplies proposal 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 29.1.2023;
- (e) in relation to (d) above, the implementation of the fire service installations and water supplies proposal 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 29.4.2023;
- (f) if the above planning condition (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; and
- (g) if any of the above planning condition (a), (b), (d) or (e) 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.

### Advisory Clauses

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

- 12.3 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 "R(C)2" zone which is primarily for low-rise, low-density residential developments. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

### **14. Attachments**

<b>Appendix I</b>	Application form with attachments received on 8.6.2022
<b>Appendix Ia</b>	Supplementary information received on 16.6.2022
<b>Appendix Ib</b>	Further information received on 19.7.2022 and 21.7.2022
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Government Departments' Comments
<b>Appendix IV</b>	Public Comments
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Schematic Diagram of the Aquaponics Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4 and A-5</b>	Site Photos