

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/756

<u>Applicant</u>	City University of Hong Kong (CityU)
<u>Site</u>	Lots 335 S.B (Part), 336 S.A, 336 S.B, 336 S.C, 337 S.B, 338, 339, 340, 341, 345 S.A and 346 in D.D. 16, Wo Tong Pui, Tai Po, New Territories
<u>Site Area</u>	About 9,330m ²
<u>Lease</u>	Block Government Lease (demised for agricultural purpose)
<u>Plan</u>	Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
<u>Zoning</u>	“Recreation” (“REC”) ¹
<u>Application</u>	Renewal of Planning Approval for Temporary Educational Institution (Teaching Farm) for a Period of Three Years until 15.5.2026

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for temporary educational institution (teaching farm) for a further period of three years until 15.5.2026 (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission until 15.5.2023.
- 1.2 The Site is accessible from Lam Kam Road via Ngau Kwu Leng Path, and the ingress/egress is at the southwestern side of the Site (**Plans A-2 and A-3**). According to the applicant, the teaching farm operated by the Jockey Club College of Veterinary Medicine and Life Sciences of the CityU has started operation since September 2022. A total of 13 single-storey structures (for barns, main building block, sewage treatment unit, and other supporting facilities) have been built on the Site in accordance with the approved general building plans.

¹ A minor portion of the Site (about 56m² or 0.6%) falls within “Green Belt” (“GB”) zone, which could be considered as minor boundary adjustment.

- 1.3 The Site is the subject of a previous application (No. A/NE-LT/662) approved by the Rural and New Town Planning Committee (the Committee) on 15.5.2020. Compared with the previous application, the current application is submitted by the same applicant for the same use at the same site with no changes in terms of site area, access arrangement and number of parking spaces. There are minor changes to the building layout and reduction in the number of building blocks and gross floor area.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 7.3.2023 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 9.3.2023 (**Appendix Ia**)
 - (c) Further Information (FI) received on 6.4.2023 (**Appendix Ib**)
 - (d) FI received on 18.4.2023 (**Appendix Ic**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FIs at **Appendices I to Ic** respectively, as summarized below:

- (a) the temporary educational institution (teaching farm) has been in operation since the arrival of the cattle in September 2022. Its primary purpose is for milking of Jersey cows for students to gain hands-on experience with the cattle, and to teach veterinary students basic cattle handling skills, clinical examination of cattle, ruminant production medicine, food hygiene and safety;
- (b) the applicant has complied with all the approval conditions under Application No. A/NE-LT/662;
- (c) there are no material changes to the development parameters in comparison with the approved Application No. A/NE-LT/662;
- (d) relevant mitigation measures identified in the approved environmental assessment report for air quality, water quality, waste management and land contamination have been fully implemented on the Site to prevent contamination of the local environment and minimize risk of potential impacts on local residents;
- (e) the herd has exceptionally high health status. The cattle are not used for infectious disease research and are subject to constant surveillance of their health status; and
- (f) the teaching farm is a critical and essential component of CityU's Bachelor of Veterinary Medicine course. It will demonstrate the highest standards of

management, health, safety, and cattle welfare in order to pass accreditation of acclaimed international veterinary experts.

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

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

4. Town Planning Board Guidelines

Town Planning Board Guidelines No. 34D (TPB PG-No. 34D) on “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” are relevant to this application. The relevant planning criteria are summarized at **Appendix II**.

5. Previous Application

The Site is the subject of a previously approved application (No. A/NE-LT/662) submitted by the same applicant for the same use as the current application. It was approved by the Committee on 15.5.2020 mainly on the ground that the temporary nature of the proposed use would not frustrate the long-term planning intention of the “REC” zone. All approval conditions of the application have been complied with. Details of the application are summarized at **Appendix III**.

6. Similar Application

There is no similar application within the same “REC” zone on the OZP.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

7.1 The Site is:

- (a) generally flat and paved, and currently used as an educational institution (teaching farm) with a total of 13 single-storey structures;
- (b) situated to the immediate northwest of a vegetated slope; and
- (c) accessible from Lam Kam Road via Ngau Kwu Leng Path.

7.2 The surrounding areas are predominantly rural in character with a mix of vegetated areas, clusters of trees, farmland, and village houses. Temporary structures are found to the northwest of the Site and village clusters of Hang Ha Po and Kau Liu Ha are located to the further south and east respectively. Lam Tsuen River is located about 50m to the north.

8. Planning Intention

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

9. Comments from Relevant Government Bureau/Departments

All the government bureau/departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the recommended advisory clauses are provided at **Appendices IV** and **V** respectively.

10. Public Comments Received During Statutory Publication Period (Appendix VI)

On 17.3.2023, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals mainly expressing concerns on the operation mode of the teaching farm, traffic, environmental and hygienic impacts on the surrounding areas; and compliance status of the approval conditions imposed on the previous approved application.

11. Planning Considerations and Assessments

11.1 The application is for renewal of planning permission for temporary educational institution (teaching farm) for a period of three years at the Site zoned “REC” on the OZP. The teaching farm at the Site operated by the Jockey Club College of Veterinary Medicine and Life Sciences of the CityU has been in operation since September 2022. In this regard, Secretary of Education has given policy support to the subject renewal application. Whilst the proposal is not entirely in line with the planning intention of “REC” zone which is primarily for recreational developments for the use of the general public, there is not yet any programme or known intention to implement the zoned use on the OZP. Given the temporary nature of the applied use, approval of the application on a temporary basis for a period of three years would not jeopardize the long-term planning intention of the “REC” zone.

11.2 The current scheme is generally the same as the last approved application (No. A/NE-LT/662) in terms of the applied use, site area, access arrangement and number of parking spaces. There are minor changes to the building layout and reduction in number of building blocks and gross floor area. The building structures have been built on the Site in accordance with the approved general building plans. All approval conditions of the previous application have been complied with and there has been no material change in planning circumstances since the approval of the previous application.

11.3 The Site is paved and currently used as an education institution (teaching farm). It is surrounded by vegetated areas, clusters of trees, farmland, temporary

structures, and village houses (**Plans A-3 and A-4**), and the applied use is considered not incompatible with the surrounding rural setting. CTP/UD&L, PlanD advises that there is no significant change in the landscape character surrounding the Site when comparing with the aerial photos taken in 2019 and 2022, and she has no objection to the application from landscape planning perspective as further significant adverse landscape impact arising from the applied use is not anticipated. According to DEP, no substantiated environmental complaint has been received on the Site since the operation of the teaching farm in 2022, and he has no objection to the subject renewal application. Other relevant government departments consulted, including C for T, CE/MN of DSD, CE/C of WSD, D of FS, DFEH, and DO/TP of HAD have no objection to or no adverse comment on the application.

- 11.4 The application generally complies with TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the previous application; there are no major adverse departmental comments against the renewal application; all the time-limited approval conditions under the previous application No. A/NE-LT/662 have been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval. In this regard, favourable consideration could be given to the current renewal application.
- 11.5 For public comments as detailed in paragraph 10 above, it should be noted that the general concern on hygienic impact is monitored under the relevant legislations by relevant government departments. In addition, an advisory clause is included to remind the applicant to properly dispose the waste generated by the applied use and make every effort to take precautionary measures to prevent mosquito breeding and rodent infestation. For the remaining concerns raised in the two public comments, the comments of government departments and the planning assessments 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 considers that the temporary use under application could be tolerated for a period of three years.
- 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 three years, and be renewed from 16.5.2023 until 15.5.2026. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the development shall not cause any water pollution to the water gathering ground at any time during the planning approval period;

- (b) the environmental mitigation and preventive measures implemented and established on the site under application No. A/NE-LT/662 shall be maintained at all times during the planning approval period;
- (c) the water monitoring programme implemented and established on the site under application No. A/NE-LT/662 shall be maintained at all times during the planning approval period;
- (d) the submission of condition records of the existing drainage facilities implemented on the site 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 5.11.2023;
- (e) in relation to (d) above, the existing drainage facilities implemented on the site shall be maintained at all times during the planning approval period;
- (f) the existing fire services installations implemented on the site shall be maintained in efficient working order at all times;
- (g) if any of the above planning conditions (a), (b), (c), (e) or (f) 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
- (h) if the above planning condition (d) 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.

[Condition (a) is the same as the previous application No. A/NE-LT/662, and deletion/revision to those conditions on cattle occupation, landscape, environmental, water quality, drainage and fire safety aspects based on the latest situation and comments of EPD, WSD, DSD, FSD, and CTP/UD&L of PlanD.]

Advisory Clauses

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

12.3 There is no strong reason to recommend rejection of the renewal application.

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 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.

- 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

Appendix I	Application Form and attachments received on 7.3.2023
Appendix Ia	SI received on 9.3.2023
Appendix Ib	FI received on 6.4.2023
Appendix Ic	FI received on 18.4.2023
Appendix II	Relevant extract of Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D)
Appendix III	Previous application
Appendix IV	Detailed comments from relevant government departments
Appendix V	Recommended advisory clauses
Appendix VI	Public comments
Drawings A-1 and A-2	Layout plan and sections submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photo

**PLANNING DEPARTMENT
MAY 2023**