

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/822

- Applicant** : Mr Wai Siu Kan represented by Top Bright Consultants Limited
- Site** : Lot 1828 (Part) in D.D. 76, Ma Mei Ha, Fanling, New Territories
- Site Area** : About 1,072m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19
- Zoning** : “Agriculture” (“AGR”)
- Application** : Renewal of Planning Approval for Temporary Golf Training Centre for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for a temporary golf training centre for a further period of three years until 26.3.2027 (**Plan A-1**). The Site falls within “AGR” zone on the approved Lung Yeuk Tau and Kwan Tei South OZP. According to the covering notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within the “AGR” zone requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission until 26.3.2024.
- 1.2 According to the applicant, two one-storey structures with height not exceeding 4.3m for indoor golf training and practice and washroom uses with a total floor area of 248m² have been erected with five private carparking spaces for use of staff and visitors (**Drawing A-1**). The Site is accessible via a local road branching off from Sha Tau Kok Road – Ma Mei Ha (**Plan A-1**). The operation hours are from 2:00 pm to 7:00 pm from Mondays to Fridays and 9:00 am to 7:00 pm on Saturdays, Sundays and public holidays. The maximum number of trainers and trainees will be limited to about 10 to 12 people at the same time. Appointment is required to use the training centre.
- 1.3 The Site is the subject of a previous application (No. A/NE-LYT/739) which was approved for the same use on 26.3.2021. Compared with the previous application, the site layout and development parameters of the current application remain unchanged except that the number of structure has changed from three to two with non-domestic gross floor area has slightly changed from 250m² to 248 m². All the approved conditions

-under the previous application have been complied with. Details of the previous application are set out in paragraph 6.2 below.

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

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| (a) | Application Form with attachments received on 2.2.2024 | (Appendix I) |
| (b) | Supplementary Planning Statement (SPS) | (Appendix Ia) |
| (c) | Further information (FI) received on 5.3.2024 ^ | (Appendix Ib) |
| | <i>^ accepted and exempted from publication</i> | |

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the SPS at **Appendix Ia**. They can be summarized as follows:

- (a) the development would provide people an affordable golf venue to explore and learn golfing and the development will provide more opportunities for those people who need training for basic technique and frequent practising to keep up the level of skills;
- (b) the Site is the subject of a previously approved application in which all the approval conditions have been complied with;
- (c) the development is not incompatible with the surrounding land uses;
- (d) the development allows better utilization of scarce land resources and meeting the needs of the general public by providing the much needed recreational venue;
- (e) the development would not induce adverse environmental, traffic and drainage impacts on the surrounding; and
- (f) there are approved similar applications for recreational use within the “AGR” zone in the area on a temporary basis.

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

The applicant is one of the “current land owners”. In respect of the other “current land owners”, the applicant 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. 31B) by obtaining consent of the remaining “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 34D on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to the application. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. **Background**

The Site is not subject to any active planning enforcement action.

6. **Previous Applications**

- 6.1 The Site is the subject of two previous applications (No. A/NE-LYT/93 and 739). Application No. A/NE-LYT/93 involves temporary open storage of construction materials for a period of 12 months, which is considered not relevant to the current application.
- 6.2 Applications No. A/NE-LYT/739 for the same use submitted by a different applicant was approved by the Rural and New Town Planning Committee (the Committee) mainly on considerations that the applied use would unlikely cause any significant adverse traffic, environmental and landscape impacts and the use would not be considered incompatible with the surroundings. All the approval conditions under the last approved application No. A/NE-LYT/739 have been complied with and the planning permission is valid until 26.3.2024.
- 6.3 Details of the previous applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

7. **Similar Applications**

- 7.1 There were two similar applications (No. A/NE-LYT/692 and 763), involving the same site for renewal of planning approval for temporary training centre within the same “AGR” zone in the vicinity of the Site in the past five years. They were approved by the Committee on 3.5.2019 and 10.6.2022 respectively mainly on considerations that they complied with the previous versions of TPB PG-No. 34D in that there were no major adverse departmental comments received; no material change in the planning circumstances since the previous approval was granted and all approval conditions under the previous application had been complied with.
- 7.2 Details of the similar applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1**.

8. **The Site and Its Surrounding Area** (Plans A-1 to A-4b)

- 8.1 The Site is:
- (a) fenced off and paved;
 - (b) currently used for the applied use with valid planning permission; and
 - (c) accessible via a local road branching off from Sha Tau Kok Road – Ma Mei Ha (**Plan A-2**).
- 8.2 The surrounding areas are located in an area of rural inland plain landscape character comprising village houses, temporary structures, open storage use, vegetated areas, plant nursery and tree clusters.

9. Planning Intention

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

10. Comments from Relevant Government Departments

Relevant government 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 V** and **VI** respectively.

11. Public Comments Received During Statutory Publication Period (Appendix VII)

On 9.2.2024, the application was published for public inspection. During the first three weeks of the statutory public inspection period, five public comment were received including one no comment and four objections. A North District Councillor indicates no comment on the application. The remaining comments by the Chairman, 1st Vice-chairman and Vice-chairman of Fanling District Rural Committee and a group of villagers (with 57 signatures) object to the application mainly on the grounds of traffic impact and safety issues induced by the applied use and have concerns on whether there are insurance coverage by the operator.

12. Planning Considerations and Assessments

- 12.1 The application is for the renewal of planning approval for temporary golf training centre for a further period of three years at the Site zoned “AGR” on the OZP. While the temporary use is not in line with the planning intention of the “AGR” zone as detailed in paragraph 9, DAFC has no strong view against the renewal application as the previous application for the same use on the Site was approved. Taking into account the above as well as the planning assessment below, the renewal of the application for a further period of three years could be tolerated.
- 12.2 The Site is surrounded by a mixed rural landscape character dominated by village houses, temporary structures, vegetated areas and tree clusters (**Plans A-2** and **A-3**). The applied use is considered not entirely incompatible with the surrounding land uses. Since significant adverse impacts on the landscape character and the existing landscape resources within the Site arising from the applied use is not anticipated, CTP/UD&L, PlanD has no objection to the application from landscape planning perspective.
- 12.3 The Site is the subject of a previously approved application (No. A/NE-LYT/739) for the same applied use as set out in paragraph 6.2. All the approval conditions of the approved application have been complied with and the planning permission is valid until 26.3.2024. Relevant government departments consulted including Commissioner for Transport, Director of Fire Services, Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no adverse comment on/objection to the renewal application. The renewal application is not expected to have significant adverse landscape, drainage, environmental and traffic impacts on the surrounding areas.
- 12.4 The application generally complies with the TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the previous application;

no major adverse departmental comments; all approval conditions for the previous application have been complied with; and the approval period sought is not unreasonable.

- 12.5 Regarding the public comments to the application as detailed in paragraph 11, government departments' comments and planning assessments above are relevant. It is noted that the concerns regarding insurance coverage mentioned in the public comment are not relevant to land use planning.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account public comment as detailed in paragraph 11, the Planning Department considers that the temporary development could be tolerated for a further period of three 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 further period of three years **from 27.3.2024 to 26.3.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 7:00 p.m. and 2:00 p.m. from Mondays to Fridays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 7:00 p.m. and 9:00 a.m. from Saturdays to Sundays (including public holidays), as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no public announcement system, portable loudspeaker or any form of audio amplification system, as proposed by the applicant, is allowed to be used on the Site at any time during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **27.6.2024**;
- (e) the existing drainage facilities shall be properly maintained at all times during the planning approval period;
- (f) if any of the above planning condition (a), (b), (c) or (e) 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;
- (g) 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; and
- (h) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of Director of Planning or of the Town Planning Board.

Advisory Clauses

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

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

- the applied use is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good agricultural land / farm / fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

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

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

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

15. Attachments

Appendix I	Application Form with attachments received on 2.2.2024
Appendix Ia	SPS
Appendix Ib	FI received on 5.3.2024
Appendix II	Relevant Extract of TPB-PG No. 34D on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development'
Appendix III	Previous Applications
Appendix IV	Similar s.16 Applications for temporary place of recreation, sports or culture within "AGR" zone in the vicinity of the Site
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos