

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/419

- Applicant** : Sun Cheong Management Consultant Limited
- Site** : Lot 288 in D.D.129 and adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 5,346m² (including GL of about 110m² or 2.1%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/10
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) with Ancillary Office for a Period of 3 Years and Filling of Land

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) with ancillary office for a period of 3 years (**Plan A-1**) with associated filling of land. The Site falls within an area zoned “GB” on the draft Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/10. According to the Notes of the OZP for “GB” zone, ‘Place of Recreation, Sports or Culture’ is a Column 2 use that requires planning permission from the Town Planning Board (the Board). Besides, filling of land within the “GB” zone also requires planning permission from the Board. The Site is currently concrete-paved, partly erected with structures and largely vacant (**Plans A-2 and A-4a to A-4d**).
- 1.2 The Site is involved in 3 previous planning applications, two (No. A/YL-LFS/200 and 262) for temporary warehouse and open storage of recycling materials with or without ancillary workshop, and one (No. A/YL-LFS/409) for the same applied use as the current application. All the 3 previous applications were rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2010, 2014 and 2021 respectively (**Plan A-1**).
- 1.3 As shown on the layout plan at **Drawing A-1**, the proposed development comprises a cultivation area of about 3,742.2m² (or 70% of the Site). According to the applicant, the existing concrete-paving covering the whole Site will not be removed.

To facilitate the provision of an area for farming, the proposed cultivation area will be filled with soil of 1.2m in thickness on top of the existing concrete-paving on-site (**Drawing A-2**).

- 1.4 The proposed development also comprises 4 temporary structures (all 1 storey and not exceeding 4m in height) with a total floor area of about 567m² (site coverage of 10.6%) for activity open shelter, rain shelter, agricultural-related storage, electricity meter room, toilet and site office. 4 parking spaces for private cars (each measuring 5m × 2.5m) will be provided. The Site is accessible from Deep Bay Road via a local track (**Drawing A-3**).
- 1.5 According to the applicant, the operation hours are between 9:00 a.m. and 8:00 p.m. daily (including public holidays). The estimated number of visitors will be about 5-10 people daily. Landscape planting comprising 3 trees would be provided at the northern periphery of the Site (**Drawing A-4**). Fire service installations (FSIs) will also be provided (**Drawing A-5**). The proposed layout plan, soil filling and existing paved-area plan, vehicular access plan, landscape plan and FSIs plan are at **Drawings A-1 to A-5** respectively.
- 1.6 A comparison of the major development parameters between the previous rejected application No. A/YL-LFS/409 and the current application is as follows:

	Previous Rejected Application No. A/YL-LFS/409 (a)	Current Application No. A/YL-LFS/419 (b)	Difference (b) - (a)
Site area	about 5,346m ²	about 5,346m ²	No change
Applied uses	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 2 Years and Filling of Land	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) with Ancillary Office for a Period of 3 Years and Filling of Land	No change, except for a longer period
Cultivation area (& soil filling area)	412m ² (7.7% of the Site)	3,742.2m ² (70% of the Site)	+3,330.2m ² (+808%)
Thickness of soil filling	0.9m	1.2m	+0.3m (+33%)
No. of structures	7 <ul style="list-style-type: none"> • 2 site offices • 2 rain shelters • 2 activity rooms • 1 refreshment kiosk 	4 <ul style="list-style-type: none"> • 1 site office • 1 rain shelter/ agricultural-related storage • 1 activity open shed • 1 electricity meter room/toilet 	-3 (-43%)
Total floor area	1,892m ²	567m ²	-1,325m ² (-70%)
Height of structures	Max. 8m (1 storey)	Max. 4m (1 storey)	-4m (-50%)
No. of parking spaces	4 (for private car)	4 (for private car)	No change
No. of loading/unloading spaces	2 <ul style="list-style-type: none"> • 1 light goods vehicle • 1 65-seat coach 	Nil	-2 (-100%)

	Previous Rejected Application No. A/YL-LFS/409 (a)	Current Application No. A/YL-LFS/419 (b)	Difference (b) - (a)
Operation Hours	9 a.m. to 8 p.m. daily (including public holidays)	9 a.m. to 8 p.m. daily (including public holidays)	No change

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

- (a) Application Form received on 13.12.2021 (Appendix I)
- (b) Supplementary Information (SI) received on 22.12.2021 (Appendix Ia)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and the SI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The Enforcement Notices against the unauthorised storage use at the Site had been complied with. The unauthorised developments (UDs) on the Site was discontinued.
- (b) Temporary hobby farm is proposed in light of the rising popularity of outdoor activities under the pandemic. The nature and the layout of the proposed hobby farm is compatible with the surrounding environment, and would not jeopardise the long term planning intention of the “GB” zone.
- (c) Significant increase of cultivation area as compared to the previous application No. A/YL-LFS/409 (i.e. from 412m² to 3,742.2m²) is proposed to demonstrate the willingness to develop a hobby farm.
- (d) Filling of soil on top of the existing hard-paved area is proposed in order to form a cultivation area for growing vegetables and experience farming activities. It is compatible with the “GB” zone.
- (e) Similar applications have been approved in the vicinity (e.g. A/YL-LFS/408 to the immediate north). Reference has also been made to these similar applications in devising the development parameters of the current application, i.e. more cultivation area and reduced bulk of structures.
- (f) The temporary hobby farm would not generate adverse drainage, traffic, environment and visual impacts.
- (g) All structures that do not tally with the proposed development scheme will be demolished.

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 sending notification letter to the Ping Shan

Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion, the requirements under TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

4.1 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;
- (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. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas;
- (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 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
- (f) 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.

4.2 According to Town Planning Board Guidelines for "Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance" (TPB PG-No. 12C), the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarized as follows and detailed at **Appendix III**.

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (b) within the WBA, for development or redevelopment which requires planning permission from the Board, an ecological impact assessment (EcoIA) would also need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

5. **Background**

The Site was previously the subject of two planning enforcement actions (No. E/YL-LFS/522 and 523) against unauthorised developments (UD) involving storage use (including deposit of containers) (**Plan A-2**). Enforcement Notices (ENs) for both cases were issued on 18.6.2021 requiring the discontinuance of the UD by 18.8.2021. As the UD's were found to have been discontinued, Compliance Notices were issued on 18.11.2021 for compliance with the ENs. The Site is currently not subject to any active planning enforcement action.

6. **Previous Applications**

- 6.1 The Site is involved in 3 previous rejected applications for temporary warehouse and open storage uses and hobby farm. Details of the above previous applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.
- 6.2 Applications No. A/YL-LFS/200 and 262 (covering almost the same site as the current application) for temporary warehouse and open storage of recycling materials were rejected by the Committee in 2010 and 2014 respectively on grounds of not in line with the planning intention of the "GB" zone, and the (then) TPB PG-No. 10, 12B and 13E; adverse comments from concerned government departments on environmental, landscape and/or traffic aspects, and setting undesirable precedent.
- 6.3 Application No. A/YL-LFS/409 (covering the same site as the current application) for temporary hobby farm with filling of land was rejected by the Committee on 15.10.2021 mainly on grounds of not in line with the planning intention of "GB" zone, not compatible with the surrounding areas, adverse comment from concerned government department on slope safety aspect, and not in line with the planning intention and TPB PG-No. 10.
- 6.4 Compared with the last previous rejected application (No. A/YL-LFS/409), the current application is submitted by the same applicant for the same use on the same site with different development parameters and layout.

7. **Similar Applications**

- 7.1 Within the same "GB" zone, there are 12 similar applications (No. A/YL-LFS/166, 172, 278, 302, 304, 311, 343, 363, 366, 380, 408 and 414) for hobby farm with or without other uses/facilities, 11 of which were approved while 1 was rejected by the Committee. Details of the similar applications are summarised at **Appendix V** and their locations are shown on **Plan A-1**.

Approved applications

- 7.2 Applications No. A/YL-LFS/172, 304 and 363 covering more or less the same site for hobby farm and other recreational uses were approved with conditions by the Committee between 2008 and 2020 mainly on the considerations that the proposed development was in line with or not in conflict with the planning intention of the "GB" zone and the TPB PG-No.10 while not incompatible with the surrounding

environment, there were no adverse comments from concerned government departments and technical concerns could be addressed by approval conditions.

- 7.3 Applications No. A/YL-LFS/166, 278, 311, 343, 366, 380, 408 and 414 covering six different sites for temporary hobby farm were approved by the Committee between 2007 and 2021 mainly on similar considerations as mentioned in paragraph 7.2 above. While the sites of Applications No. A/YL-LFS/304, 311, 363, 408 and 414 were hard-paved when the applications were approved, the applicants undertook to remove the hard paving on-site. An approval condition requiring the same is also incorporated to these applications.
- 7.4 As compared with the current application, the approved similar applications generally involved less filling of land (i.e. less than 50% of the sites) or even no filling of land in their proposals.

Rejected application

- 7.5 Application No. A/YL-LFS/302 for temporary hobby farm and fishing ground was rejected by the Committee on 8.12.2017 mainly on the grounds that the applied use involving pond filling and hard paving was not in line with the planning intention of the “GB” zone and no strong justification was given for a departure, and not in line with the TPB PG-No. 10 in that the development would affect natural landscape, and the TPB PG-No.12C in that it did not comply with the “no net-loss in wetland” principle.

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

8.1 The Site is:

- (a) concrete-paved, largely fenced-off and sub-divided into three compartments;
- (b) currently erected with temporary enclosed structures/converted container structures/open sheds. Except a few leftovers, the Site is largely vacant; and
- (c) located to the south of Deep Bay Road, and is accessible via a track on GL and private lots branching off Deep Bay Road.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north is a site covered by a valid planning permission for temporary hobby farm use (i.e. A/YL-LFS/408) which is currently vacant. To the further north are an open storage yard for recycling materials which is a suspected UD, a piece of vacant land and a patch of shrubland; and
- (b) to the immediate west is a local track. To the east, south and further west are woodlands intermixed with graves.

9. Planning Intention

- 9.1 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.
- 9.2 As filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

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 an Old Schedule Agricultural Lot (OSAL) and GL. The OSAL is 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 the GL included in the Site (about 110m² subject to verification). The act of occupation of GL without Government’s prior approval is not allowed.
- (c) Warning letter (WL) against the unauthorised structure(s) erected on Lot 288 in D.D.129 (i.e. the Site) was issued to the respective lot owner on 15.10.2020 requiring the rectification of the breach of lease. The WL was registered at the Land Register on 5.5.2021. Final Warning Letter (FWL) was issued on 12.11.2021 requesting the lot owner to purge the breaches before 10.12.2021. Upon the expiry of the FWL, the breaches have still not yet been purged.
- (d) Should planning approval be given to the subject planning application, the lot owner(s) of the lot will need to immediately apply to his office for permitting the structures to be erected or to regularise any irregularities on site, if any. The applicant has to either exclude the GL from the Site or immediately 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 regularisation 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 such 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.

Traffic

10.1.2 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 space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/ from public roads.
- (c) The local track leading to the Site is not under Transport Department (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.

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

- (a) Adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (b) The access road connecting the Site with Deep Bay Road is not and will not be maintained by his office. His office should not be responsible for maintaining any access connecting the Site and Deep Bay Road.

Environment

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

- (a) He has no objection to the application.
- (b) The proposed development includes recreational uses within Deep Bay Buffer Zone 1. According to Item P.1, Part I of Schedule 2 of the Environmental Impact Assessment Ordinance (EIAO), "A residential or recreational development, other than New Territories exempted houses, within Deep Bay Buffer Zone 1 or 2" is a Designated Project (DP). An Environmental Permit is required for construction and operation of a DP under the EIAO. The applicant is reminded to go through the statutory process under the EIAO for the construction and operation of the proposed development and to conduct further assessments to confirm the environmental acceptability of the proposed development under the statutory EIAO process.
- (c) There is no substantiated environmental complaints pertaining to the Site received in the past 3 years.

- (d) The applicant should be reminded of the detailed comments at **Appendix VII**.

Nature Conservation and Agriculture

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

- (a) He has no adverse comment on the application.
- (b) The Site falls within the “GB” zone and WBA. It is concrete-paved with low ecological value.
- (c) It is not a normal agricultural practice to cultivate vegetables on a concrete paving covered with soil.

Landscaping

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

- (a) According to the aerial photo of 2021 and the site photos, most of the site area is hard-paved with some existing temporary structures generally along the site boundary. A few numbers of trees are located at the southern end of the Site. The Site is situated in an area of rural coastal plains landscape character predominated by woodland, scrubland, ponds, and disturbed by temporary structures and open storages.
- (b) With reference to submitted paved area plan (**Drawing A-2**), the existing hard-paved area (about 5,346m² or 100% of the Site) will not be removed, and a portion of the Site (about 3,742.2m² or 70% of the Site) is proposed as farming area with filling of soil of 1.2m in thickness on top of the existing concrete-paving for growing vegetables.
- (c) In order to avoid any nuisance (i.e. water overflow and flooding) during the adverse weather to the nearby environment and to ensure the healthy establishment and growth of plant, proper drainage system must be well designed and installed. Hence, the applicant is required to provide sufficient information and proposed drainage system within the proposed development.
- (d) With reference to the submitted Landscape Plan, *Ficus microcarpa* (細葉榕) is proposed within the Site. The applicant may wish to consider other tree species with small mature size in lieu of *Ficus microcarpa* which has the characteristics of vigorous root system and large tree canopy in mature size.

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 drainage point of view.
- (b) Should the Board consider that the application is acceptable from planning point of view, he would suggest that a condition should be stipulated requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department.

Fire Safety

10.1.8 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. The applicant should note his detailed comments on the submission of FSIs proposal at **Appendix VII**.

Building Matters

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

- (a) As there is no record of approval granted by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the proposed use under planning application.
- (b) The applicant should be reminded of the detailed comments at **Appendix VII**.

Geotechnical

10.1.10 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) According to his records, illegal site formation works at Lots 286 and 288 in D.D.129, i.e. within and close to the Site, were reported to his office in April 2008 (**Plans A-2 and A-3b**).
- (b) In addition, the Site is overlooked by steep natural terrain and meets the alert criteria for a Natural Terrain Hazard Study (NTHS). It is noted that the applicant has not submitted a Geotechnical Planning

Review Report in support of the planning application. He would advise that an approval condition requiring the submission of a Natural Terrain Hazard Study (NTHS) report and implementation of mitigation measures identified therein, as part of the proposed development, should be imposed if the planning application is approved by the Board.

Electricity Supply

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

The applicant should be reminded of the detailed comments at **Appendix VII**.

District Officer's Comments

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

His office has not received any feedback from locals.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);
- (c) Project Manager (West), CEDD (PM(W), CEDD); and
- (d) Commissioner of Police (C of P).

11. Public Comments Received During Statutory Publication Period

On 24.12.2021, the application was published for public inspection. During the statutory public inspection period, 4 public comments from the Kadoorie Farm & Botanic Garden Corporation, the Conservancy Association, the Designing Hong Kong Limited and an individual (**Appendices VI-1 to VI-4**) objected to/raised concerns over the application on the following grounds:

- (a) whether the proposed cultivation area, which is formed by filling of soil of about 1.2m in thickness atop existing concrete paving, is feasible from agricultural point of view;
- (b) the proposed development is not in line with the planning intention of the “GB” zone;
- (c) the previous application for the same use was rejected by the Board in October 2021. There is doubt on the intention of the application; and
- (d) the Site has been subject to land formation and vegetation clearance since 2008. The application is a “destroy first, build later” case. Approval of the application would set an undesirable precedent.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) with ancillary office for a period of 3 years and filling of land. The Site falls within the “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. There is a general presumption against development within this zone. According to the applicant, the existing concrete-paving covering the whole Site will not be removed and a majority of the Site (about 3,742.2m² or 70% of the Site) is proposed for cultivation area with filling of soil of 1.2m in thickness on top of the existing concrete paving. There will be 4 single-storey structures (maximum 4m in height) with a gross floor area of 567m² for site office, agricultural-related storage, activity shelter and ancillary uses. In this regard, DAFC advises that it is not a normal agricultural practice to cultivate vegetables on a concrete paving covered with soil. However, there is no information provided by the applicant as to why the existing concrete paving, which is incompatible with the surrounding rural environment, cannot be removed and replaced by soil for cultivation. The extent of the land filling is also considered excessive (3,742.2m² × 1.2m, i.e. about 4,490m³ of soil on top of existing concrete paving). In view of the above, there is no strong justification in the submission to demonstrate that the proposal is genuinely for hobby farm use. Therefore, the proposed development is considered not in line with the planning intention of the “GB” zone. There is no strong planning justification given in the submission for a departure of such planning intention.
- 12.2 As stated in TPB PG-No. 10, the design and layout of any proposed development within “GB” zone should be compatible with the surrounding area. In this regard, the Site is situated in an area predominated by woodland intermixed with graves, vacant land and temporary structures. The proposed development, with the entire Site being concrete-paved, is considered not compatible with the surrounding rural environment. Hence, the proposed development is not in line with TPB PG-No. 10.
- 12.3 Other concerned departments including C for T, DEP, DAFC, CE/MN of DSD, H(GEO) of CEDD and D of FS have no objection to or no adverse comment on the proposed development from traffic, environmental, nature conservation, drainage, geotechnical and fire safety perspectives.
- 12.4 The Site is involved in 3 rejected previous applications for temporary warehouse and open storage of recycling materials and the same applied use as the current application. The last previous application No. A/YL-LFS/409 submitted by the same applicant at the same site as the current application was recently rejected by the Committee on 15.10.2021 mainly on grounds of not in line with the planning intention of the “GB” zone, not compatible with the surrounding area, adverse comment from concerned government department on slope safety aspect, and not in line with the TPB PG-No. 10. Although a larger cultivation area and less bulky structures are proposed under the current application, the applicant still fails to demonstrate that the proposed development is not in conflict with the planning intention of the “GB” zone and not incompatible with the surrounding areas as discussed in paragraphs 12.1 and 12.2 above.
- 12.5 Although the Committee had approved 11 similar applications for temporary hobby farm with or without other recreational uses within the same “GB” zone, they

generally involved less filling of land (i.e. less than 50% of the area of the sites) or even no filling of land in their proposals, including Application No. A/YL-LFS/408 to the immediate north of the Site as cited by the applicant. Although the sites of Application No. A/YL-LFS/304, 311, 363, 408 and 414 were concrete-paved when the applications were approved, the applicants undertook and are bounded by approval condition to remove the hard paving on the sites. The current application is different in that the existing concrete-paving on-site will not be removed and an excessive filling of land is proposed.

- 12.6 There are 4 public comments received objecting to/raising concern over the application on grounds as summarised in paragraph 11 above. The planning considerations and assessments in paragraph 12.1 to 12.5 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 does not support the application for the following reasons:

- (a) the proposed development is not in line with the planning intention of the “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. 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; and
- (b) the proposed development is not 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’ (TPB PG-No. 10) in that the proposed development is considered not compatible with the surrounding areas.

- 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 **28.1.2025**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) 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 **28.7.2022**;
- (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 **28.10.2022**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (d) the submission of a fire service installations proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **28.7.2022**;
- (e) in relation to condition (d) above, the implementation of the fire service installations proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **28.10.2022**;
- (f) the submission of a Natural Terrain Hazard Study report within **6 months** from the date of planning approval to the satisfaction of the Head of the Geotechnical Engineering Office of Civil Engineering and Development Department or of the Town Planning Board by **28.7.2022**;
- (g) in relation to condition (f) above, the implementation of the mitigation measures identified in the Natural Terrain Hazard Study report within **9 months** from the date of planning approval to the satisfaction of the Head of the Geotechnical Engineering Office of Civil Engineering and Development Department or of the Town Planning Board by **28.10.2022**;
- (h) if the above planning condition (c) 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;
- (i) if any of the above planning conditions (a), (b), (d), (e), (f) or (g) 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
- (j) 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 VII**.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse the planning permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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 permission should be valid on a temporary basis.

15. Attachments

Appendix I	Application Form received on 13.12.2021
Appendix Ia	Supplementary Information received on 22.12.2021
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No. 10)
Appendix III	Relevant Extracts of Town Planning Board Guidelines for Application for Development within Deep Bay Area (TPB PG-No. 12C)
Appendix IV	Previous Applications
Appendix V	Similar Applications within the same “GB” zone
Appendices VI-1 to VI-4	Public Comments Received During Statutory Publication Period
Appendix VII	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Soil Filling and Existing Paved Area Plan
Drawing A-3	Vehicular access plan
Drawing A-4	Landscape Plan
Drawing A-5	Fire Service Installations Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos in 2021 and 2008
Plans A-4a to A-4d	Site Photos

**PLANNING DEPARTMENT
JANUARY 2022**