

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

**APPLICATION NO. A/YL-LFS/424**

- Applicant** : Tin Shui Wai Greenfield Garden Company Limited represented by PlanArch Consultants Ltd.
- Site** : Lots 2766 PR (Part), 2767 (Part), 2782, 2783, 2784, 2785 S.A, 2785 RP, 2787, 2794 (Part), 2795 (Part), 2796 (Part), 2800 (Part), 2828, 2829, 2830, 2831, 2832 (Part), 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841 S.A RP, 2841 S.B RP, 2843, 2845 (Part) in D.D.129 and adjoining Government Land (GL), Sha Kong Wai, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 17,740m<sup>2</sup> (including GL of about 2m<sup>2</sup>)
- Lease** : (i) Block Government Lease (demised for agricultural use)  
(about 99.99% of the Site)  
(ii) Government Land (about 0.01% of the Site)
- Plan** : Draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/10 (at the time of submission)  
  
Approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/11 (currently in force)
- Zonings** : “Green Belt” (“GB”) (about 61.5%)  
  
“Village Type Development” (“V”) (about 38.5%)  
[Restricted to a maximum building height of 3 storeys (8.23m)]  
  
(no change to the zonings under the current OZP)
- Application** : Temporary Place of Recreation, Sports or Culture (Organic Farm, Barbecue Site, Education and Visitor Centre, Leisure Activity Area and Ancillary Facilities) for a Period of 3 Years with Filling of Land and Ponds

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary place of recreation, sports or culture (organic farm, barbecue site, education and visitor centre, leisure activity area and ancillary facilities) for a period of 3 years with filling of land and ponds at the application site (the Site) (**Plan A-1a**). The Site falls within an area partly zoned “GB” (about 61.5%) and partly zoned “V” (about 38.5%) on the approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/11 currently in force. According to the

Notes of the OZP for “GB” and “V” zones, ‘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/pond within the “GB” and “V” zones also require planning permission from the Board. The Site is currently occupied by the applied use named Tin Shui Wai Greenfield Garden, majority of which (about 98.6%) is covered by a valid planning permission under application No. A/YL-LFS/39 for recreational use.

- 1.2 The Site is the subject of a previous application (No. A/YL-LFS/39) for recreational uses including barbecue spot, playground, refreshment kiosk, visitor centre, public car park and ancillary uses, which was approved with conditions on a permanent basis by the Rural and New Town Planning Committee (the Committee) on 14.5.1999 (**Plan A-1b** and **Drawing A-2**). The planning permission is still valid although some of the approval conditions have not been complied with. Compared with the previous application, the current application is submitted by the same applicant for similar uses, yet with smaller site area, a different layout and on temporary basis. Since the planning approval granted in 1999, the Site has been in operation as a recreational use. Yet it is noted that the site layout has been changed over years which is different from the approved scheme under the previous application No. A/YL-LFS/39. According to the applicant, in view of the operational needs, this current application is to (i) update the site layout considering the current operation of recreational and ancillary facilities on-site; (ii) regularise the pond filling and land filling at the Site; and (iii) apply for a temporary operation of 3 years to allow flexibility in future planning. In support of the current application, the applicant has submitted a tree survey, a sewerage impact assessment, a condition record of existing drainage facilities and a fire service installations proposal (**Appendices Ia and Id**).
- 1.3 The Site is accessible via a local track connecting Tin Wah Road. As shown on **Drawing A-1**, the proposal comprises 25 structures (1 storey and 2.4m to 6m in height) with a total floor area of about 2,969m<sup>2</sup> for recreational facilities, barbecue area, agriculture, shelters, storage, office and other ancillary uses. A farming area is designated at the northwest of the Site for demonstration of farming techniques and sales of crops. The total agriculture-related area (including farmland and mushroom farms) is 834m<sup>2</sup> (4.7% of the Site). Shelters for barbecue area are designated at the east, whilst a pond at the centre is retained and used for water leisure activities. Other recreational-related areas (including game booths, playgrounds, an activity/picnic area and a lawn slide) are located at various parts of the Site. An education room (with game booth and storage) and two petting zoos with goats (one with maintenance workshop) are provided for teaching visitors about organic farming, mushroom growing and animals. The ingress/egress is located at the southeast of the Site. A total of 18 parking spaces for private cars (measuring 5m × 2.5m each) and 2 loading/unloading spaces for light buses (measuring 8m × 3m each) are provided at the southeast of the Site. The layout plan and proposed access plan are at **Drawings A-1** and **A-3** respectively.
- 1.4 Moreover, according to the applicant, an area of about 3,572m<sup>2</sup> (20.1% of the Site) within the “V” zone portion at the northwest of the Site had been concrete-paved for 0.02m in thickness for landscaping, agriculture and recreational uses. Also, ponds of a total area of 694m<sup>2</sup> (3.9% of the Site) at the north and northeast within both the “GB” and “V” zones had been filled with soil and concrete of about 0.5m and 0.02m respectively (about 0.52m in total) for landscaping and recreational uses. The total

area of the Site that has been concrete-paved is about 9,818m<sup>2</sup> (55.3% of the Site)<sup>1</sup>. No additional filling of land and ponds will be carried out. A layout plan of the land and pond filling area under application is at **Drawing A-4**.

1.5 According to the applicant, the operation hours are between 10:00 a.m. and 10:00 p.m. from Mondays to Sundays (including public holidays). The estimated number of visitors is about 50 to 80 daily on weekdays and 200 to 300 people daily during weekends. Advance booking by visitors would be required to control the number of visitors. The barbecue area would be located not less than 50m away from the nearby residential uses. No public announcement systems, whistle blowing or portable loudspeaker would be used. Septic tank and soakaway system would be used for wastewater treatment.

1.6 A comparison of the major development parameters and site layout between the previous application No. A/YL-LFS/39 and the current application is as follows and at **Drawing A-2** respectively:

	<b>Previous Application No. A/YL-LFS/39 (a)</b>	<b>Current Application No. A/YL-LFS/424 (b)</b>	<b>Difference (b) - (a)</b>
<b>Site Area</b>	about 39,418m <sup>2</sup>	about 17,740m <sup>2</sup>	-21,678m <sup>2</sup> (-55%)
<b>Applied uses</b>	Recreational Uses including Barbecue Spot, Playground, Refreshment kiosk, Visitor Centre, Public Car Park and Ancillary Uses	Temporary Place of Recreation, Sports or Culture (Organic Farm, Barbecue Site, Education and Visitor Centre, Leisure Activity Area and Ancillary Facilities) with Filling of Land and Ponds	No major change in the nature of recreational use
<b>Time limit</b>	Permanent	Temporary for 3 years	Time-limited
<b>No. of structures</b>	6 <ul style="list-style-type: none"> <li>• 1 main entrance</li> <li>• 1 visitor centre</li> <li>• 1 rain shelter</li> <li>• 1 refreshment kiosk</li> <li>• 1 toilet</li> <li>• 1 storage of agricultural tools</li> </ul>	25 <sup>2</sup> <ul style="list-style-type: none"> <li>• 5 game booths</li> <li>• 4 pavilion/shelters</li> <li>• 3 shelters for BBQ</li> <li>• 2 mushroom farms</li> <li>• 2 petting zoos</li> <li>• 2 game/activity areas</li> <li>• 2 visitor centres/tearoom/education room</li> <li>• 1 lawn slide</li> <li>• 1 refreshment kiosk</li> <li>• 1 office</li> <li>• 1 toilet</li> <li>• 1 storage</li> </ul>	+19 (+317%)

<sup>1</sup> According to the applicant, the existing concrete-paved area is larger than the land and pond filling area under application, for part of the land (i.e. about 5,552m<sup>2</sup>) had been concrete-paved for implementing the previous approved application (No. A/YL-LFS/39). While there is no detail of any concrete filling specified in the previous approved application (including location and purposes), it should be noted that there was no land filling restriction within the "GB" and "V" zones until the gazettal of the draft Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/6 on 26.3.2004 (i.e. after the approval of the previous application on 14.5.1999).

<sup>2</sup> Some of the structures are for multi-purpose uses. Refer to the layout plan at **Drawing A-1** for details.

	<b>Previous Application No. A/YL-LFS/39 (a)</b>	<b>Current Application No. A/YL-LFS/424 (b)</b>	<b>Difference (b) - (a)</b>
<b>Height of structures</b>	Not specified	Maximum 6m (1 storey)	N/A
<b>No. of ponds</b>	5	1	-4 (-80%)
<b>Site Coverage</b>	about 3%	about 16.7%	+13.7%
<b>Gross Floor Area</b>	about 903m <sup>2</sup> (Non-domestic)	about 2,969m <sup>2</sup> (Non-domestic)	+2,066m <sup>2</sup> (+229%)
<b>No. of parking spaces</b>	64 (57 for private cars and 7 for coaches)	18 (all for private cars)	-46 (-72%)
<b>No. of loading/ unloading spaces</b>	3	2 (light buses)	-1 (-33%)
<b>Operation Hours</b>	Not specified	10 a.m. to 10 p.m. Mondays to Sundays	N/A
<b>Area and Depth of Pond Filling</b>	Nil	about 694m <sup>2</sup> (0.52m in depth)	+694m <sup>2</sup>
<b>Area and Thickness of Land Filling</b>	Not specified	about 3,572m <sup>2</sup> (0.02m in thickness)	N/A

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

- |     |  |                      |
|-----|--|----------------------|
| (a) | Application Form received on 17.3.2022               | <b>(Appendix I)</b>  |
| (b) | Supplementary Planning Statement with plans          | <b>(Appendix Ia)</b> |
| (c) | Supplementary Information (SI) received on 29.3.2022 | <b>(Appendix Ib)</b> |
| (d) | Further Information (FI) received on 21.4.2022*      | <b>(Appendix Ic)</b> |
| (e) | FI received on 28.4.2022*                            | <b>(Appendix Id)</b> |

*\*accepted and exempted from publication*

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

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

- The nature of service provided in the organic farm, barbecue site, education and visitor centre, and leisure activity area will be mostly for recreational use. The applicant intends to provide an area for public to enjoy the natural landscape. There is no conflict with the planning intention of the “GB” zone in view of the compatible nature of the applied uses. Also, as the applied uses are temporary in nature, it will not jeopardize the long-term planning intention of the “V” zone.
- Filling of land at the “V” zone is to better utilize the land to cater for the increasing need on educational and recreational activities. It does not affect the future development thereat which requires site formation after all. The filled ponds were originally abandoned dried ponds before their reinstatement for ornamental purpose under the previous planning approval. Filling of the ponds will not result in adverse impact to the area. The pond at the centre of the Site would be retained. No further land and pond filling will be carried out.

- (c) Lush greening and dense landscaping are provided to minimise adverse impacts on the surrounding land uses. With the mitigation measures, no environmental nuisance to the neighbouring uses is expected.
- (d) Advance booking will be required for effective control on the number of visitors. Hence, there will be insignificant impact to the local road network.
- (e) Drainage facilities are implemented and properly maintained. No adverse drainage impact is anticipated. Septic tanks and soakaway pits are provided on-site to collect and store sewage, which is pumped away weekly by licensed sewage disposal operators. Regular inspection, cleaning and maintenance are carried out to ensure efficient operation of the septic tank system, which complied with the Water Pollution Control Ordinance. The applied use will not cause negative sewerage impact to the area.
- (f) The applied use will not set an undesirable precedent.

### **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 taking reasonable steps to give notification to the owner including posting notice at the Site and publishing notices in local newspapers. 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**

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) is relevant to the application. The relevant assessment criteria are detailed at **Appendix II**.

### **5. Background**

The Site is currently not subject to any active enforcement action. Should there be sufficient evidence to form an opinion of unauthorised development (UD) under the Town Planning Ordinance at the Site, enforcement action would be instigated as appropriate.

### **6. Previous Applications**

- 6.1 The Site is involved in 2 previous applications. Application No. A/YL-LFS/9 submitted by a different applicant for pond filling for agriculture use (fruit tree plantation) within the “GB” and the then “Residential (Group C)” zones covering only a small portion of the Site was approved by the Committee on 23.8.1996 mainly on considerations that the proposal was in line with the planning intention of the “GB” zone and compatible with the surrounding area; ‘Agricultural use (fruit tree plantation)’ was a Column 1 use within the “GB” zone; there was no adverse

comments from concerned government departments on ecological and drainage aspects; and the technical concerns could be addressed by approval conditions. The proposal had not been fully implemented.

- 6.2 Application No. A/YL-LFS/39 submitted by the current applicant for recreational uses including barbecue spot, playground, refreshment kiosk, visitor centre, public car park and ancillary use within the “GB” and “V” zones was approved with conditions on a permanent basis by the Committee on 14.5.1999 mainly on considerations that the development which was primarily rural in character and did not involve filling of existing ponds; the proposed development was compatible with the surrounding land uses; it helped to reinstate the deteriorating rural environment in the context of decline in pond fish farming and agricultural activities; recreational use should be encouraged on a permanent basis; there was no adverse comment from concerned government departments; and the technical concerns could be addressed by approval conditions.
- 6.3 Details of the 2 previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

## **7. Similar Applications**

- 7.1 There is no similar application within the same “V” zone. However, within/straddling the same “GB” zone, there are 16 similar applications (No. A/YL-LFS/40, 74, 166, 172, 302, 304, 311, 343, 344, 363, 366, 380, 408, 409, 414 and 419) for various recreational uses, of which 12 were approved by the Committee or the Board upon review whilst 4 were rejected. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

### Approved Applications

- 7.2 For the 12 approved applications, they covered 8 sites. Application No. A/YL-LFS/40 for temporary golf driving range with ancillary pro-shop, parking areas and other uses was approved with conditions by the Committee on 28.5.1999 mainly on considerations that the applied temporary development which did not entail additional pond filling would not frustrate the long-term planning intention of the “GB” zone; it was not incompatible with the surrounding land uses; and there was no adverse comment on traffic, environment and drainage aspects. Application No. A/YL-LFS/74 covering more or less the same site for a temporary extension to the recreational development under application No. A/YL-LFS/39, which included flea market for green/environmentally friendly products and mass games area, was approved by the Board upon review on 8.3.2002 mainly on consideration that precedent for similar use within the “GB” zone was already set.
- 7.3 Applications No. A/YL-LFS/172, 304 and 363 covering more or less the same site for a range of recreational and related uses were approved with conditions by the Committee mainly on considerations that the proposed recreational development was in line/not in conflict with the planning intention of the “GB” zone and in keeping/not incompatible with the surrounding land uses; there was no adverse comment from concerned government departments; and the technical concerns could be addressed by approval conditions.

- 7.4 Applications No. A/YL-LFS/166, 311, 343, 366, 380, 408 and 414 covering 6 sites for proposed temporary hobby farm for a period of 3 years were approved with conditions by the Committee mainly on similar considerations as stated in paragraph 7.3 above, and that other recreational uses of similar nature within the same “GB” zone were approved by the Committee.

#### Rejected Applications

- 7.5 Applications No. A/YL-LFS/302, 344, 409 and 419 for temporary hobby farm and/or fishing ground for a period of 3 years were rejected by the Committee on grounds that the applied uses were not in line with the planning intention of the “GB” zone and the TPB PG-No. 10 in that the development was not compatible with the surroundings, would affect the natural landscape, and/or affect/be affected by slope stability; and/or not in line with TPB PG-No. 12C in that it would affect the ecological integrity of the existing fish pond.

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

#### 8.1 The Site is:

- (a) currently occupied by the applied use covered by a valid planning permission under application No. A/YL-LFS/39;
- (b) partly hard-paved with concrete; and
- (c) accessible via a track on GL branching off Tin Wah Road to its south.

#### 8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north are shrubland, a patch of vacant formed land, village houses, a temple and a shrine, and a patch of cultivated agricultural land. To the further northeast is a vehicle park covered by valid planning permission;
- (b) to the east across Tin Ying Road and the Tin Shui Wai Nullah is the public housing development of Tin Yan Estate of the Tin Shui Wai New Town;
- (c) to the immediate south are vacant land and vehicle parks, some of which are covered by valid planning permissions. To the further south is a works area covered by a Temporary Government Land Allocation No. GLA-TYL-3471; and
- (d) to the immediate northwest are a vehicle park and grassland. To the further west is the village settlement of Sha Kong Wai.

### **9. Planning Intentions**

- 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 The planning intention of “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.
- 9.3 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 within both “GB” and “V” zones.

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

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 in **Appendices IV and V** respectively.

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

On 1.4.2022, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual (**Appendix VI**) was received objecting to the application on grounds of adverse landscape impact, cruelty to animals of the petting zoos, and whether the application is paving the way for destroy-to-build.

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

- 12.1 The application is for temporary place of recreation, sports or culture (organic farm, barbecue site, education and visitor centre, leisure activity area and ancillary facilities) for a period of 3 years with filling of land and ponds. The Site falls within an area partly zoned “GB” (about 61.5%) and partly zoned “V” (about 38.5%). 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. However, limited development may be permitted if they are justified on strong planning grounds. The “GB” zone where the Site is located mainly serves as a buffer between the Tin Shui Wai New Town to the east and the natural landscape of vegetated hill slopes to its west, and the Site is situated at the southern tip of that “GB” zone adjoining the “V” and “R(A)” zones (**Plan A-1a** and **Plan A-3**). While the applied use, comprising hard-paved area of about 9,818m<sup>2</sup> (55.3% of the Site) and 25 structures with gross floor area of about 2,969m<sup>2</sup> (or plot ratio of 0.17), is not in line with the planning intention of the “GB” zone, the Site has been granted for similar recreational use on a permanent basis under previous application No. A/YL-LFS/39 in 1999 when there was no land filling restriction on the then OZP. With a smaller site area as compared to the previously



approved application, the current application is for temporary use and to reflect the current operation of recreational use at the Site. Opportunity can also be taken to incorporate the approval condition requiring the reinstatement of the “GB” portion of the Site to an amenity area upon expiry of the planning permission, with a view to realising the original planning intention of the “GB” zone upon the expiry of the current planning permission.

- 12.2 Meanwhile, the planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. Whilst the development is not entirely in line with the planning intention of the “V” zone, DLO/YL of LandsD advised that there is no Small House application approved or under processing at the Site. Approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “V” zone.
- 12.3 Besides, the applicant seeks to regularise the pond filling (soil of 0.5m and concrete of 0.02m in depth) for 694m<sup>2</sup> (3.9% of the Site) and land filling (concrete of 0.02m in height) for about 3,572m<sup>2</sup> (20.1% of the Site) at the Site. Filling of land and pond within the “GB” and “V” zones require planning permission from the Board as it may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In this regard, DAFC and CE/MN of DSD have no adverse comment from nature conservation and drainage perspectives.
- 12.4 The Site is located immediately adjacent to the Tin Shui Wai New Town to its east, with village settlement intermixed with vehicle parks covered with valid planning permissions, vacant land, scrubland/grassland and cultivated agricultural land. The applied use is considered not incompatible with the surrounding land uses.
- 12.5 According to the TPB PG-No. 10, passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration. Also, the design and layout of any development should be compatible with the surrounding areas and should not affect the existing landscape. In this connection, DAFC has no comment on the application from nature conservation perspective. CTP/UD&L of PlanD noted that while the existing landscape resources within the Site has already been changed for the applied use, no additional filling would be carried out. Moreover, it is observed that previous approval (Application No. A/YL-LFS/39) was granted for the Site in 1999 for recreational uses including barbecue spot and ancillary public car park. According to the applicant, about 5,552m<sup>2</sup> (31.3% of the Site) had been concrete-paved for implementing the previous approval. Approvals have also been granted for similar recreational uses with site hard-paved and pond(s) filled (e.g. Applications No. A/YL-LFS/40 and 74) at adjoining land within the same “GB” zone.
- 12.6 Other concerned government departments, including DEP, C for T and D of FS have no objection to or no adverse comment on the application on environmental, traffic and fire safety aspects. Regarding the substantiated environmental complaint pertaining to the Site in 2021 related to air pollution, it was not related to the barbecue activity of the applied use. To address the concerns on the possible environmental nuisance generated by the applied use and the technical requirements of other concerned government departments, approval conditions have been recommended in paragraph 13.2 below. Any non-compliance with the approval

conditions will result in revocation of the planning permission and UD on site will be subject to enforcement action by the Planning Authority. The applicant would also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.

- 12.7 As mentioned in paragraph 12.1 above, the Site is subject to a previous application (No. A/YL-LFS/39) for similar recreational use on a permanent basis submitted by the same applicant. It was approved with conditions by the Committee in 1999. While the planning permission is still valid, some of the approval conditions, i.e. submission and implementation of landscaping proposal, provision of sewage treatment and disposal facilities, and provision of emergency vehicular access and fire safety facilities have not been complied with. In support of the current application, the applicant has submitted a tree survey, a sewerage impact assessment, a condition record of existing drainage facilities and a fire service installations proposal. Sympathetic consideration could be given to the current application.
- 12.8 The Committee/the Board has approved 12 similar applications within the same “GB” zone for recreational uses, including 6 applications<sup>3</sup> involving 3 sites for regularisation of filling of pond(s). Approval of the current application is considered in line with the Committee/Board’s previous decisions. Although 4 similar applications (No. A/YL-LFS/302, 344, 409 and 419) were rejected by the Committee, they were rejected on considerations that there were adverse departmental comments. In this regard, concerned government departments have no objection to or adverse comment on the current application.
- 12.9 There was a public comment received objecting to the application as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.8 above are relevant.

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

- 13.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, the Planning Department has no objection to the application.
- 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 period of 3 years until **6.5.2025**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### **Approval Conditions**

- (a) no operation from 10:00 p.m. to 10:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no public announcement system, any form of audio amplifier and loudspeaker, and whistle blowing is allowed to be used on the Site at any time during the planning approval period;
- (c) no vehicle exceeding 5.5 tonnes, including medium goods vehicle, heavy

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<sup>3</sup> Applications No. A/YL-LFS/40, 74, 166, 172, 304 and 363.

goods vehicle and container trailer/tractor, as defined in the Road Traffic Ordinance, is allowed to enter/exit or to be parked/stored on the Site at any time during the planning approval period;

- (d) the rectification of the existing drainage facilities, and the submission of a revised condition record of existing drainage facilities within **6 months** to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.11.2022**;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a revised 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 **6.11.2022**;
- (g) in relation to condition (f) above, the implementation of the revised 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 **6.2.2023**;
- (h) if any of the above planning conditions (a), (b), (c) or (e) 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 (d), (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 portion of the Site zoned “GB” 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 V**.

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

the applied development is not in line with the planning intentions of the “GB” and “V” zones, which are 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 for development of Small Houses by indigenous villagers respectively. There is also a general presumption against development within the “GB” zone. There is no strong planning justification in the submission for a departure from the planning intentions.

#### **14. Decision Sought**

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

#### **15. Attachments**

<b>Appendix I</b>	Application Form received on 17.3.2022
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	Supplementary Information received on 29.3.2022
<b>Appendix Ic</b>	Further Information received on 21.4.2022
<b>Appendix Id</b>	Further Information received on 28.4.2022
<b>Appendix II</b>	Extract of 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)
<b>Appendix III</b>	Previous Applications and Similar Applications within the same “GB” zone
<b>Appendix IV</b>	Government Departments’ General Comments
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<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Comparison of site layout between the previous application No. A/YL-LFS/39 and the current application
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**PLANNING DEPARTMENT  
MAY 2022**