

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

**APPLICATION NO. A/YL-LFS/531**

- Applicants** : Mr. Wong Wai Fong and Real Fair Development Limited represented by FiBi International Project Consultancy Co. Limited
- Site** : Lots 1267, 1268 (Part) and 1269 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 789m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicants seek planning permission for proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years at the application site (the Site) (**Plan A-1**) zoned “GB” on the OZP. According to the Notes for the “GB” zone, ‘Place of Recreation, Sports or Culture’, is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently partly formed, fenced off, vacant and partly covered with vegetation (**Plans A-3b, A-4a to A-4c**).
- 1.2 As shown on the vehicular access plan at **Drawing A-2**, the Site is accessible from Deep Bay Road via a local track (about 950m in length), with the ingress/egress located at the south of the Site (**Plan A-2**). As shown on the layout plan at **Drawing A-1**, two single-storey structures (about 3.5m in height) with a total floor area of about 151m<sup>2</sup> are proposed for greenhouse, visitors resting area, toilet and store room uses. The total area for cultivation (i.e. the greenhouse and two open-field areas) is about 303m<sup>2</sup> (or 38.4% of the Site). One parking space for private car (5m x 2.5m) would be provided.
- 1.3 According to the applicants, the greenhouse and open-field would be used for growing herbs, flowers, fruits and vegetables. The operation hours would be between 9 a.m. and 6 p.m. daily, including Sundays and public holidays. The maximum number of visitors would not be more than 80 per day and 20 at any one time. Visitors can access the Site by private cars, or by minibus plying Deep Bay

Road and then walk to the Site. The applicants claim that all soil unsuitable for cultivation will be removed (**Appendix Ia**). Drainage facilities (i.e. surface U-channels and catchpits) (**Drawing A-3**) and septic tank would be provided.

1.4 The Site was involved in a previous application (No. A/YL-LFS/484), covering a larger site for the same applied use with filling and excavation of land, which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 13.10.2023. Compared with the previous application, the current application was submitted by the same applicant together with another new applicant with different layout and development parameters. Details of the previous application are at paragraph 6 below.

1.5 A comparison of the major development parameters between the rejected previous application and the current application is as follows:

	<b>Previous Application No. A/YL-LFS/484 (a)</b>	<b>Current Application No. A/YL-LFS/531 (b)</b>	<b>Difference (b) - (a)</b>
<b>Site Area</b>	about 1,669m <sup>2</sup>	about 789m <sup>2</sup>	-880m <sup>2</sup> (-52.7%)
<b>Applied uses</b>	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years and Associated Filling and Excavation of Land	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	Same applied use without filling and excavation of land
<b>No. of structures</b>	6 • for greenhouses, demonstration and exhibition room, visitor resting area, staff resting area, store room, and toilet uses	2 • for greenhouse, visitor resting area, store room, and toilet uses	-4 (-66.7%)
<b>Total Floor Area</b>	about 882m <sup>2</sup>	about 151m <sup>2</sup>	-731m <sup>2</sup> (-82.9%)
<b>Height of structures</b>	1-2 storeys (about 3m to 6m)	1 storey (about 3.5m)	-2.5m (-41.7%)
<b>Cultivation Area</b>	about 732m <sup>2</sup>	about 303m <sup>2</sup>	-429m <sup>2</sup> (-58.6%)
<b>No. of parking spaces</b>	2 (private cars)	1 (private cars)	-1 (-50%)
<b>Operation Hours</b>	9 a.m. to 6 p.m. daily (including Sundays and public holidays)	9 a.m. to 6 p.m. daily (including Sunday and public holidays)	No Change

1.6 In support of the application, the applicants have submitted the following documents:

- |     |   |                      |
|-----|---|----------------------|
| (a) | Application Form with attachments received on 28.8.2024 | <b>(Appendix I)</b>  |
| (b) | Supplementary Information (SI) received on 4.9.2024     | <b>(Appendix Ia)</b> |
| (c) | Further Information (FI) received on 24.9.2024*         | <b>(Appendix Ib)</b> |
| (d) | FI received on 16.10.2024*                              | <b>(Appendix Ic)</b> |

*\* accepted and exempted from publication requirements*

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the Application Form with attachments and the SI and FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) the proposed hobby farm is temporary in nature, and would not jeopardise the long-term planning intention;
- (b) the proposed hobby farm is small in scale, away from residential areas, and would not operate during sensitive hours. Hence, it has minimal adverse environmental, traffic, drainage, landscape and visual impacts on the surroundings;
- (c) the applicants would comply with the planning conditions imposed by the Board, including provision of drainage facilities;
- (d) the applicants undertake to remove the soil unsuitable for cultivation at the Site; and
- (e) no excavation or filling of land is proposed.

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

The applicants are the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

## **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 detailed at **Appendix II**.
- 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 detailed at **Appendix III**.

## **5. Background**

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

## **6. Previous Application**

The Site was involved in a previous application (No. A/YL-LFS/484) submitted by one of the applicants in the current application, covering a larger site for the same use with associated filling and excavation of land. The application was rejected by the Committee on 13.10.2023 mainly on the grounds that the proposed development was not in line with the planning intention and TPB PG-No. 10 due to incompatibility with the surrounding areas and adverse landscape impact. In particular, there was no strong justification to

demonstrate that the proposed development was genuinely for hobby farm use in that the proposed cultivation area occupied less than half of the application site, and the soil on site was considered not suitable for cultivation. Details of the application are summarised at **Appendix IV** and its location is shown on **Plan A-1**.

## **7. Similar Applications**

- 7.1 Within the same “GB” zone, there are 12 similar applications (No. A/YL-LFS/343, 363, 366, 380, 408, 409, 414, 419, 435, 475, 494 and 511) for hobby farm with or without other uses/facilities and filling of land in the past five years. Eight of them were approved while four were rejected by the Committee. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

### *Approved applications*

- 7.2 Eight applications (No. A/YL-LFS/343, 363, 366, 380, 408, 414, 435 and 475) covering seven different sites for temporary hobby farm with or without other uses/facilities were approved by the Committee between 2019 and 2023 mainly on considerations that the applied use was in line with or not in conflict with the planning intention of the “GB” zone and TPB PG-No.10; the applied use was not incompatible with the surrounding environment; there were generally no adverse comments from concerned government departments and technical concerns could be addressed by approval conditions. With the exception of application No. A/YL-LFS/363 (0.6% of the Site concrete-paved), all the approved similar applications do not involve application for filling of land.

### *Rejected applications*

- 7.3 Applications No. A/YL-LFS/409 and 419 covering one same site involving filling of soil atop concrete-paving for hobby farm were rejected by the Committee in 2021 and 2022 respectively mainly on grounds that the proposed development was not in line with the planning intention and TPB PG-No. 10; there was no strong justification to demonstrate that the proposed development was genuinely for hobby farm use; and/or there were adverse comments from concerned government department on slope safety aspect.
- 7.4 Applications No. A/YL-LFS/494 and 511 covering one same site involving extensive vegetation clearance and site formation for hobby farm were rejected by the Committee in 2023 and 2024 respectively mainly on grounds that the proposed development was not in line with the planning intention and TPB PG-No. 10; and there were adverse comments from concerned government department on landscape aspect.

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

- 8.1 The Site is:

- (a) partly formed, fenced off, vacant and partly covered with vegetation; and

- (b) accessible from Deep Bay Road located to its north via a local track (about 950m).
- 8.2 The surrounding areas are predominated by woodland, cultivated agricultural land and vacant land. Other uses such as open yards used for storage of miscellaneous items, parking of container vehicles and public utility installations (solar photovoltaic system) are also found in the vicinity of the Site. Some of the uses are suspected unauthorized developments (UDs) subject to planning enforcement action. To the further east are Tsim Bei Tsui Egret Site of Scientific Interest (SSSI) and the Inner Deep Bay SSSI.

## 9. **Planning Intention**

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.

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

- 10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 below, other 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 V and VI** respectively.
- 10.2 The following government department has adverse comments on the application:

### **Landscaping**

- 10.2.1 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):
  - (a) The Site is situated in area of rural coastal plains predominated by temporary structures, village houses, farmland, ponds and existing woodland within the same “GB” zone located in close proximity to the Site is observed. From the site photos taken on 25.9.2024, the Site is bare ground with weeds and existing vegetation.
  - (b) By comparing the site photos taken on 25.9.2024 (**Plan A-4a to A-4c**) and the aerial photos taken in 2022 and 2023 (**Plans A-3a and A-3b**), tree/vegetation removal and formation works had been undertaken at the Site. Significant adverse impact on landscape resources had taken place.
  - (c) Noting the existing vegetation cover in the vicinity, further degradation of the landscape resources and quality of the “GB” zone by the proposed use is envisaged. As such, the proposed use is considered incompatible with the landscape character and resources of the subject “GB” zone.

10.3 The following government department conveyed local objections to the application:

**District Officer's Comments**

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

He has consulted the locals regarding the application. A local comment from villagers of Mong Tseng Wai (**Appendix VII**) was received objecting to the application on grounds that change in land use is not appropriate at the Site zoned “GB”; the traffic generated by the proposed development would induce pedestrian-vehicular conflict at Deep Bay Road and the local access road to the Site which are substandard; the local access road is for use by villagers as access to graves and cultivated land only and should not be overused; the proposed development would adversely affect the fung shui of the burial ground of the villagers in the vicinity of the Site; and approval of the application would open the flood gate for similar applications.

**11. Public Comments Received During Statutory Publication Period**

On 10.9.2024, the application was published for public inspection. During the statutory public inspection period, three public comments from Kadoorie Farm and Botanic Garden, the Conservancy Association and an individual (**Appendices VIII-1, VIII-2 and VIII-3**) were received objecting to the application mainly on grounds that the proposed hobby farm use is not in line with the planning intentions of the “GB” zone and the WBA; potential environmental impacts; lack of information on how the Site would be reinstated after the decommissioning of the proposed hobby farm; and the genuinity of the proposed hobby farm use is in doubt.

**12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years at the Site within the “GB” zone of the OZP (**Plan A-1**). There is a general presumption against development within the “GB” zone. Although the Site is proposed for hobby farm use, the proposed cultivation areas (i.e. the greenhouse and two open-field areas) will take up only about 38.4% of the Site (about 303m<sup>2</sup>). The proposed use involving tree felling, vegetation clearance and site formation (to be discussed in paragraph 12.4 below) is not in line with the planning intention of the “GB” zone. There is no strong planning justification given in the submission to justify a departure from the planning intention of the “GB” zone, even on a temporary basis.

12.2 While DAFC has no adverse comment on the application, the Site falls within the WBA designated under TPB PG-No. 12C, and is located in an area predominated by woodland and natural vegetation (**Plan A-3b**), including the woodland of the Tsim Bei Tsui Egrettry SSSI and the mangroves and ponds of the Inner Deep Bay SSSI to the east and further east respectively (**Plan A-1**). Although there are some open yards, parking of vehicles and solar photovoltaic system in the vicinity, they are suspected UD's subject to planning enforcement action. The proposed use is considered not compatible with the surrounding areas.

- 12.3 According to TPB PG-No. 10, an application for new development within “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The design and layout of any proposed development within “GB” zone should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape. The issue on compatibility has been discussed in paragraph 12.2 above. With regard to the impact on existing natural vegetation and landscape, by comparing the site condition through time-series aerial photos between 2022, 2023 and 2024 (**Plans A-3a, A-3b and A-4a**), it is noted that tree/vegetation removal and formation works at the Site had been undertaken. The Site has gradually been transformed from mainly a woodland to formed land. CTP/UD&L of PlanD considers that significant adverse impact on landscape resources has taken place. Noting the existing vegetation cover in the vicinity, she also considers that further degradation of the landscape resources and quality of the “GB” zone by the proposed use is envisaged. In view of the above, the proposed use is considered not in line with TPB PG-No. 10.
- 12.4 Other concerned departments including the Director of Environmental Protection, the Commissioner for Transport, the Chief Engineer/Mainland North of Drainage Services Department and the Director of Fire Services have no objection to or no comment on the proposed use from environmental, traffic, drainage and fire safety perspectives respectively.
- 12.5 The Site was involved in a previous application (No. A/YL-LFS/484) covering a larger site for the same applied use with filling and excavation of land which was rejected by the Committee in 2023 mainly on the grounds that the proposed use was not in line with the planning intention and TPB PG-No. 10 due to incompatibility with the surrounding areas and adverse landscape impact. Despite the area of the Site is much smaller than the site of the previous application, there has been no major change in planning circumstances in relation to the Site since the previous application was rejected. The proposed use remains incompatible with the surrounding environment.
- 12.6 Although the Committee had approved eight similar applications for temporary hobby farm with or without other recreational uses within the same “GB” zone, the current application is different from the approved similar applications in that extensive vegetation clearance had taken place at the Site. In fact, the Committee has rejected two similar applications (No. A/YL-LFS/494 and 511) involving extensive vegetation clearance and site formation which were considered incompatible with the surrounding environment. As such, rejecting the current application is not in conflict with the previous decisions of the Committee.
- 12.7 Regarding the local views conveyed by DO/YL of HAD and the public comments objecting to the application as stated in paragraphs 10.3.1 and 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.6 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 local views and public comments mentioned in paragraphs 10.3.1 and 11 respectively, the Planning Department does not support the application for the following reasons:

- (a) the proposed use 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, even on a temporary basis; and
  - (b) the proposed use 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 use is considered not compatible with the surrounding areas, and the applicants fail to demonstrate that the proposed use would not have adverse landscape impact on 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 three years until **25.10.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission of a revised drainage proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **25.4.2025**;
- (b) in relation to (a) above, the implementation of the revised 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 **25.7.2025**;
- (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 proposal for water supplies for firefighting and fire service installations within **6 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **25.4.2025**;
- (e) in relation to (d) above, the provision of water supplies for firefighting and fire service installations within **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **25.7.2025**;
- (f) if the planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (h) 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 VI**.

### **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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.
- 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**

<b>Appendix I</b>	Application Form with attachments received on 28.8.2024
<b>Appendix Ia</b>	SI received on 4.9.2024
<b>Appendix Ib</b>	FI received on 24.9.2024
<b>Appendix Ic</b>	FI received on 16.10.2024
<b>Appendix II</b>	Extracts of Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No. 10)
<b>Appendix III</b>	Extracts of Town Planning Board Guidelines for Application for Development within Deep Bay Area (TPB PG-No. 12C)
<b>Appendix IV</b>	Previous and Similar Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Local Views conveyed by District Officer/Yuen Long
<b>Appendices VIII-1, VIII-2 and VIII-3</b>	Public Comments Received During Statutory Publication Period
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Vehicular Access Plan
<b>Drawing A-3</b>	Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3a to A-3b</b>	Aerial Photos taken in 2022 and 2023
<b>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2024**