

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/547

- Applicant** : 黃奕然 represented by 海願規劃發展公司
- Site** : Lots 280 (Part), 281 (Part), 283 (Part) and 286 (Part) in D.D.129 and adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 2,802 m² (Including GL of about 204 m² or 7.3%)
- 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 applicant seeks 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) zoned “GB” on the OZP (**Plan A-1**). According to the Notes of the OZP for “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 largely vacant, partly covered with soil and pebbles and partly hard-paved, and partly occupied by a two-storey temporary structure (**Plans A-4a to 4c**).
- 1.2 The Site is accessible from Deep Bay Road via a local track, with the ingress/egress at the western part. As shown on the layout plan at **Drawing A-3**, a cultivation area of about 1,890 m² (about 67% of the Site) is proposed for growing strawberry and vegetables such as pak choi. Two temporary structures (one to two storeys, not exceeding 8m) with a total floor area of 368m² are proposed for storage, rain shelter, electricity meter room and toilet uses (**Drawing A-3, Plans A-4a to 4c**). According to the applicant, hard paving on-site will be removed and no additional filling of land will be undertaken except replacing the topsoil with soil suitable for cultivation (**Appendix Ic**). Six parking spaces for private cars will be provided.
- 1.3 According to the applicant, the operation hours are from 9 a.m. to 7 p.m. daily (including public holidays) and the hobby farm will be operated by the nearby villagers for themselves on a non-commercial basis. The estimated maximum

number of users is 20 each day. Drainage facilities (i.e. surface U-channels and catchpits) are provided (**Drawing A-4**) and sewage generated at the Site would be collected by a sewage holding tank and tanked away regularly (**Drawing A-3**). The proposed layout plan, site context plan, location plan and proposed drainage plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.4 The Site was involved in a previous application for the same use approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 (details at paragraph 6 below). Compared with the previous application, the current application is submitted by a different applicant at the same Site with similar layout and development parameters.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 9.1.2025 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 14.1.2025 (**Appendix Ia**)
 - (c) SI received on 16.1.2025 (**Appendix Ib**)
 - (d) Further Information (FI) received on 12.2.2025* (**Appendix Ic**)
 - (e) FI received on 21.2.2025* (**Appendix Id**)
*[*accepted and exempted from publication and recounting requirements]*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices I to Id**. They can be summarised as follows:

- (a) the proposed use is temporary in nature for a period of three years. The Site can be easily reinstated and will not affect the long-term planning of the Site;
- (b) by properly managing the time for the goods delivery to the Site, there will be no adverse traffic impact, nor will it cause pressure on the flow of people in Lau Fau Shan;
- (c) proper land management can prevent the Site from being used for dumping of soil/waste or reduce the possibility of mosquito breeding. It can benefit the local environment;
- (d) the proposed use is in harmony with the surrounding environment and will not cause adverse impact;
- (e) no inflammable items, permanent structures, nor vehicles other than for the proposed use will be allowed at the Site;
- (f) the proposed use does not involve car washing, vehicle repairing, dismantling, paint spraying and other workshop activities; and
- (g) the proposed use does not involve storage of hazardous materials and would not have any adverse impact on the ecology and environment.

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 Ordinance (TPB PG-No. 31B) 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 as set out in TPB PG-No. 31B 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 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. Should there be sufficient evidence to form an opinion that there is unauthorized development at the Site, planning enforcement action would be undertaken.

6. Previous Application

The Site was involved in a previous application (No. A/YL-LFS/408) for proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years which was submitted by a different applicant with similar layout and development parameters covering the same site. The application was approved by the Committee on 24.9.2021 mainly on the considerations that the application was not in conflict with the planning intention of the “GB” zone and the TPB PG-No.10, being not incompatible with the surrounding environment, there were no adverse comments from concerned government departments and technical concerns could be addressed by approval conditions. The applicant has complied with the approval conditions and the planning permission subsequently lapsed on 25.9.2024. Details of this previous application are summarised in **Appendix IV** and its location is shown on **Plan A-1**.

7. Similar Applications

7.1 There are 13 similar applications (No. A/YL-LFS/363, 366, 380, 409, 414, 419, 435, 475, 484, 494, 511, 531 and 543) for hobby farm with or without other uses/facilities

and filling of land within/straddling the subject “GB” zone in the past five years. Six of them were approved while seven were rejected by the Committee. Details of these similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

Approved applications

- 7.2 Six applications (No. A/YL-LFS/363, 366, 380, 414, 435 and 475) were approved by the Committee between 2020 and 2023 mainly on the considerations that the proposed development was not in conflict with/in line with the planning intention of the “GB” zone and TPB PG-No.10; being not incompatible with the surrounding environment; there were no adverse comments from concerned government departments and the technical concerns could be addressed by approval conditions.

Rejected applications

- 7.3 Seven applications (No. A/YL-LFS/409, 419, 484, 494, 511, 531 and 543) were rejected by the Committee between 2021 and 2025 mainly on the grounds that the proposed use was not in line with the planning intention of the “GB” zone and TPB PG-No. 10 due to incompatibility with the surrounding areas and adverse landscape impact.
- 7.4 Amongst them, applications No. A/YL-LFS/409 and 419 covering the same site and located to the immediate south of the Site were considered not in line with TPB PG-No. 10 as substantial land filling works at the site were involved.

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

8.1 The Site is

- (a) largely vacant, partly covered with soil and pebbles and partly hard-paved, and partly occupied by a two-storey temporary structure; and
- (b) accessible via a local track leading from Deep Bay Road.

- 8.2 The surrounding areas are predominated by unused land and woodland. There are also some storage and open storage yards for construction materials and containers which are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

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. However, limited development may be permitted if they are justified on strong planning grounds.

10. Comments from Relevant Government Departments

All 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.

11. Public Comment Received During Statutory Publication Period

On 17.1.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary place of recreation, sports and culture (hobby farm) for a period of three years at the Site zoned “GB” on the OZP (**Plan A-1**). As shown on the proposed layout plan (**Drawing A-2**), a majority of the Site (about 1,890 m² or 67% of the Site) is proposed for cultivation area of the hobby farm. According to the applicant, existing hard paving on-site will be removed and no additional filling of land will be carried out except replacing the topsoil with soil suitable for cultivation. The Director of Agriculture, Fisheries and Conservation (DAFC) has no comment on the application from agricultural perspective. In view of the above, the proposed development is considered not entirely in conflict with the planning intention of the “GB” zone. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “GB” zone. As the Site is zoned “GB”, an approval condition requiring the reinstatement of the site upon expiry of the planning permission so as to uphold the planning intention of the “GB” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

12.2 In view of the nature and scale of the proposed hobby farm as mentioned in paragraph 12.1 above, it is considered not incompatible with the surrounding areas which are predominated by unused land and woodland. The Chief Town Planner/Urban Design and Landscape, Planning Department has no comment on the application from landscape planning perspective.

12.3 According to TPB PG-No.10, while new development will only be considered in exceptional circumstances and must be justified with very strong planning grounds, passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration. As mentioned in paragraph 12.1 above, majority of the Site (about 1,890 m² or 67% of the Site) is proposed for cultivation area and the applicant claims that no filling of land will be carried out at the Site. The issue of compatibility has also been discussed in paragraphs 12.2 above. In view of the above, the proposed hobby farm is considered not in conflict with TPB PG-No.10.

12.4 Although the Site falls within the WBA under TPB PG-No. 12C, planning application for temporary uses are exempted from the requirement of conducting an Ecological Impact Assessment. In this regard, DAFC has no adverse comment on the application from nature conservation perspective.

- 12.5 Other concerned Government departments, including Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to/ no adverse comment on the application from traffic, environmental, drainage and fire safety perspectives respectively. To address the technical requirements of the concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the planning application be approved, the applicant will be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ("COP") issued by EPD to minimise the potential environmental nuisance to the surrounding areas.
- 12.6 Although the Committee rejected two similar applications (No. A/YL-LFS/409 and 419) located to the immediate south of the Site, these applications were considered not in line with TPB PG-No.10 as substantial land filling works were involved. For the current application, the proposed hobby farm is considered not incompatible with the surrounding areas and no adverse impact is envisaged. The Site was involved in a previous application (No. A/YL-LFS/408) for the same use for a period of three years which was approved by the Committee on 24.9.2021. Furthermore, the Committee has also approved six similar applications within the same "GB" zone in the past five years. Approval of the current application is generally in line with the Committee's previous decisions.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above, 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 three years until 28.2.2028. 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 28.8.2025;
- (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 28.11.2025;
- (c) in relation to (b) above, the implemented drainage facilities 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 planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 28.8.2025;
- (e) in relation to (d) above, the implementation of the fire service installations

proposal 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 **28.11.2025**;

- (f) the above 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 the expiry of the planning permission, the reinstatement and grassing of the application site 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**.

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

the proposed use is not in line with the planning intention of the "Green Belt" 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.

14. Decision Sought

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

15. Attachments

Appendix I	Application form with attachments received on 9.1.2025
Appendix Ia	SI received on 14.1.2025
Appendix Ib	SI received on 16.1.2025
Appendix Ic	FI received on 12.2.2025
Appendix Id	FI received on 21.2.2025

Appendix II	Relevant Extracts of TPB PG-No. 10
Appendix III	Relevant Extracts of TPB PG-No. 12C
Appendix IV	Previous and Similar applications within the same “GB” zone
Appendix V	Government Departments’ General Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Site Context Plan
Drawing A-2	Location Plan
Drawing A-3	Proposed layout Plan
Drawing A-4	Proposed Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**