

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

**APPLICATION NO. A/YL-MP/331**

|                           |   |
|---------------------------|---|
| <b><u>Applicant</u></b>   | : AU Ming Ming Mimi   |
| <b><u>Site</u></b>        | : Lot 24 in D.D. 101, Mai Po, Yuen Long   |
| <b><u>Site Area</u></b>   | : About 1,161 m <sup>2</sup>  |
| <b><u>Lease</u></b>       | : Block Government Lease (demised for agricultural use)   |
| <b><u>Plan</u></b>        | : Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6   |
| <b><u>Zoning</u></b>      | : “Open Space” (“O”)  |
| <b><u>Application</u></b> | : Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years and Associated Excavation and Filling of Land |

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary place of recreation, sports or culture (hobby farm) for a period of five years and associated excavation and filling of land. (**Plan A-1**). According to the Notes of the OZP for the “O” zone, ‘Place of Recreation, Sports or Culture’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Excavation and filling of land in the “O” zone also requires planning permission from the Board. The Site is currently partly used for the applied use without valid planning permission.
- 1.2 The Site forms part of two previous applications No. A/YL-MP/52 and 268 as detailed in paragraph 6 (**Plan A-1**).
- 1.3 The proposed layout plan is at **Drawing A-1**. The Site is accessible via a local track leading from Mai Po South Road connecting to Castle Peak Road – Mai Po with two 6m wide entrance points in the north. According to the applicant, the hobby farm comprises 12 single storey structures of building height not more than 3m with a total gross floor area (GFA) of about 196.45m<sup>2</sup> for a picnic area under canopies, an iron scaffold for storage of planting equipment, four premises converted from unused caravans for snack and beverage, staff resting room, rain shelter and store room, an ancillary office with iron scaffold for sunshed and water

storage and toilets. About 141.33m<sup>2</sup> of the Site in the eastern part will be used for crop plantation and about 539.32m<sup>2</sup> of the open area in the western part of the Site will be provided with grass cover and landscape planting for leisure activity. The rest of the Site is for associated storage facilities, ancillary site office and car parking spaces. A pool with an excavation area of 12m<sup>2</sup> and a depth of 0.4m will be provided near the picnic area in the southern part of the Site to collect the site water for irrigation purpose, whereas the proposed picnic area is to be provided on a grass-covered platform with a land filling area of about 80m<sup>2</sup> and a depth of about 0.3m. Four shared parking spaces for private car and light goods vehicle will be provided. The opening hours are between 9:00 a.m. and 10:00 p.m. from March to November and between 10:00 a.m. and 11:00 p.m. from December to February, from every Tuesday to Sunday, including public holidays. The hobby farm will be closed on every Monday for maintenance and pest control. Advance booking is required for visitors to the Site including the use of the on-site parking space. Not more than 60 visitors will be accommodated at the Site during the operation hours.

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

- (a) Application Form received on 8.8.2022 and **(Appendix I)**  
supplementary information received on 11.8.2022
- (b) Further Information (FI) received on 13.9.2022<sup>#</sup> **(Appendix Ia)**
- (c) FI received on 15.9.2022<sup>#</sup> **(Appendix Ib)**
- (d) FI received on 21.10.2022<sup>#</sup> **(Appendix Ic)**

<sup>#</sup> *exempted from publication requirement*

1.5 On 23.9.2022, the Rural and New Town Planning Committee (the Committee) of the Board decided to defer a decision on the application for a period of one month as requested by the applicant.

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

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

- (a) The applicant is experienced in landscape planting. The Site is vacant and is suitable for providing a new outlet for leisure, picnic and hobby farming for nearby residents.
- (b) The Site is accessible by public transportation. The applicant has sought the consent with the land owner of neighbouring lots for access to the Site.
- (c) Visitors are required to make advanced booking and are encouraged to use public transportation and nearby parking facilities. There is sufficient manoeuvring space within the Site for vehicular circulation and parking purpose. Therefore, the development will not result in adverse traffic impact on the local transport network.
- (d) No open storage use and workshop activities will be carried out on the Site. The caravan-converted structures are only for the use of the hobby farm and will not be used for residential purpose or holiday camp. The development will not adversely affect the environment of the surrounding area.

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

The applicant is not a “current land owner” of the Site 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 the notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12C) is relevant to the application. Relevant extract of the Guidelines is at **Appendix II**.

**5. Background**

The Site is part of a larger site that is the subject of an active enforcement case (No. E/YL-MP/236) for unauthorised development (UD) involving storage use (**Plan A-2**). Enforcement Notice (EN) for the case was issued on 30.11.2021. Latest site inspection by the Planning Authority (PA) revealed that the UD in some lots including the Site has been discontinued. Partial Compliance Notice was issued to the concerned owners including the owner of Site by PA.

**6. Previous Applications**

The Site is part of two previous applications submitted by two different applicants each on a larger site for different uses (No. A/YL-MP/52 and 268). Both applications were rejected by the Committee on 11.6.1999 and on review by the Board on 27.7.2018 respectively. These two applications were not relevant to the current application. The details are at **Appendix III** and their locations are shown on **Plan A-1**.

**7. Similar Applications**

During the past five years, there is no similar planning application for hobby farm use within the same “O” zone on the OZP.

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

8.1 The Site is:

- (a) accessible in its north via a paved local track local track leading from Mai Po South Road connecting to Castle Peak Road – Mai Po;

- (b) currently used as a hobby farm in its western part and a plant nursery in its eastern part with paved area along the eastern site boundary which is used as an existing access road; and
- (c) within the Wetland Buffer Area (WBA) of Deep Bay Area.

8.2 The surrounding land uses are mainly residential development, village houses, plant nursery, open storage yards and vacant land:

- (a) to its immediate north, northwest, northeast and south are vacant land;
- (b) to its southwest and further west are the residential development of Royal Palms and to its further northeast are village houses and residential dwellings within the “V” zone;
- (c) to its immediately east are a plant nursery, a vacant site approved for temporary retail shop for hardware groceries under Application No. A/YL-MP/329 and an open storage of waste materials;
- (d) to its further east is an existing cycle track, and land across Castle Peak Road – Mai Po, San Tin Highway and San Tam Road is the residential development of Maple Gardens; and
- (e) to its further southeast is an open storage for construction materials.

## **9. Planning Intention**

The planning intention of the “O” zone is primarily for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

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

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

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

On 16.8.2022, the application was published for public comment. During the statutory publication period, one public comment was received from an individual raising concern that the Site is not suitable for farming and questioning the motive of the application having regard to the previous rejection for open storage use at the Site (**Appendix VI**).

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

- 12.1 The application is for temporary place of recreation, sports or culture (hobby farm) for a period of five years with excavation of land of about 12m<sup>2</sup> by a depth of about 0.4m and filling of land of about 80 m<sup>2</sup> by a depth of about 0.3m for provision of the storage pool and picnic area at the southern part of the Site to support various activities within the hobby farm. As shown on **Drawing A-1**, the proposed hobby farm comprises a plantation area, an open area with grass cover and landscape planting for leisure activity. The Site falls within an “O” zone which is intended for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents as well as the general public. The subject hobby farm use, which is recreational in nature and provides an outlet for hobby farming and leisure seeking to the nearby residents, is generally not in conflict with the planning intention of the “O” zone. DLCS has no objection to the application as there is no implementation programme for the planned open space at present. Approval of the application on a temporary basis would not frustrate the long term planning intention of the “O” zone. The proposed excavation and filling of land is not considered unacceptable as it would only involve about 7.9% of the Site whereas half of the Site will be under grass cover for leisure and farming activities, leaving behind the remaining area for vehicle manoeuvring and vehicle parking.
- 12.2 The applied use is considered not incompatible with the surrounding land uses which are mainly residential and rural in character comprising residential development, village houses, hobby farm, plant nursery, open storage yards and vacant land. The applicant states that there will be no open storage, workshop activities, residential or holiday camp uses at the Site.
- 12.3 Although the Site falls within WBA of TPB PG-No. 12C, the guidelines also specify that planning applications for temporary uses are exempted from the requirement of Ecological Impact Assessment and DAFC has no comment on the application.
- 12.4 Taking into account the recreational nature and small scale of the development, it is envisaged that the applied use including the excavation and filling of land would unlikely result in adverse traffic, environmental, landscape and drainage impacts on the surrounding areas. Relevant government departments including C for T, DAFC, DEP and CE/MN of DSD and CTP/UD&L, PlanD have no objection to or no comment on the application. Technical requirements of DEP, C for T, D of FS and CD/MN of DSD could be addressed by approval conditions as recommended in paragraph 13.2 below. Besides, the applicant will be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to mitigate any potential environmental impacts on the surrounding areas.
- 12.5 Regarding the public comment received on the application as detailed in paragraph 11, the departmental comments and planning assessments above are relevant.

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

- 13.1 Based on the assessment in paragraph 12 and having taken into account the public comment mentioned in paragraph 11, the Planning Department has no objection to the temporary place of recreation, sports or culture (hobby farm) for a period of 5 years and associated excavation and filling of land.
- 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 5 years until 9.12.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval Conditions

- (a) no open storage, workshop activities or holiday camp, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (b) no vehicle other than private car or light goods vehicle, as proposed by the applicant, is allowed to access the Site at all time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of a drainage proposal within **6** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.6.2023;
- (e) in relation to (d) above, the implementation of the drainage proposal within **9** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.9.2023;
- (f) the implemented drainage facilities within the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within **6** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.6.2023;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within **9** months to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.9.2023;
- (i) if any of the above planning condition (a), (b), (c) or (f) 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; and
- (j) if any of the above planning condition (d), (e), (g) or (h) 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.

#### 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 "Open Space" zone is intended primarily for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents as well as the general public. No strong planning justification has been given 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 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**

|                           |   |
|---------------------------|---|
| <b>Appendix I</b>         | Application Form received on 8.8.2022 and supplementary information received on 11.8.2022 |
| <b>Appendix Ia</b>        | FI received on 13.9.2022  |
| <b>Appendix Ib</b>        | FI received on 15.9.2022  |
| <b>Appendix Ic</b>        | FI received on 21.10.2022   |
| <b>Appendix II</b>        | Relevant Extract of TPB-PG No. 12C  |
| <b>Appendix III</b>       | Previous applications   |
| <b>Appendix IV</b>        | Government departments' general comments  |
| <b>Appendix V</b>         | Recommended advisory clauses  |
| <b>Appendix VI</b>        | Public comment  |
| <b>Drawing A-1</b>        | Site Layout Plan  |
| <b>Plan A-1</b>           | Location Plan   |
| <b>Plan A-2</b>           | Site Plan   |
| <b>Plan A-3</b>           | Aerial Photo  |
| <b>Plan A-4a and A-4b</b> | Site Photos   |