

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1012

<u>Applicant</u>	: Catholic Sustainable Garden of Joy Limited (天主教永續樂田園有限公司)
<u>Site</u>	: Government Land in D.D. 110 (Near Lot 295 in D.D. 110), Tsat Sing Kong, Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	: About 1,120m ²
<u>Lease</u>	: Government Land (GL)
<u>Plan</u>	: Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of Five 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 five years at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “AGR” zone, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and covered by vegetation (**Plan A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plan A-2**). According to the applicant, the proposed use will not involve any erection of structure or land filling, 85% of the Site (i.e. 960m²) will be designated as farming area while the remaining area, i.e. 160m² or 15% of the Site, will be used for ancillary storage of fertilisers and farming tools/materials and resting area (**Drawing A-1**). No parking space and loading/unloading space will be provided within the Site. The proposed operation hours are between 8:00 a.m. and 6:00 p.m. daily including public holidays. The Site would accommodate a maximum of 30 visitors upon appointment and there will be two to eight staff members working at the Site to support the hobby farm operation. Public announcement system, loudspeaker, whistle or any form of audio amplification system will not be used at the Site. About ten existing trees

within the Site may be removed or pruned for the proposed use, subject to the existing tree condition. The layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with supporting documents received (**Appendix I**) on 3.5.2024 and supplementary information received on 10.5.2024
- (b) Further Information (FI) received on 20.8.2024* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements*

1.4 On 21.6.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months 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 with supporting documents and FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) The proposed hobby farm provides opportunities for the participants to learn about the nature environment and organic farming through farming activities. The proposed use can promote sustainable farming and safe food production. The use of chemical or pesticide will be avoided.
- (b) The seasonal local crops will be grown at the proposed hobby farm. The farm produce will not be sold for revenue and will only be shared with the organisations and people in need.
- (c) The members of the religious institution (i.e. the applicant) will be responsible for the operation and management of the hobby farm on a voluntary basis. The proposed hobby farm will be open for their members and the general public, and will be mostly funded by volunteer donations.
- (d) The Site is well served by the public transportation and no parking and loading/unloading space will be provided within the Site. A drainage proposal and tree survey are submitted in support of the current application.

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

As the Site involves GL only, the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) are not applicable to the application.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Application

There is no previous application involving the Site.

6. Similar Application

There is no similar application within the “AGR” zone in the vicinity.

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

7.1 The Site is:

- (a) currently vacant and covered by vegetation; and
- (b) accessible from Kam Tin Road via a local track.

7.2 The surrounding areas are rural in character comprising mainly grasslands and farmlands intermixed with storage yards, open storage/warehouse (with valid permission under application No. A/YL-PH/960), shop and services for sale of motor vehicles/vehicle parts (with valid permissions under applications No. A/YL-PH/972 and 984) and a few residential structures.

8. Planning Intention

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fishponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Departments

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 II** and **III** respectively.

10. Public Comments Received During Statutory Publication Period

On 10.5.2024, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals were received. One

comment objects to the planning application (**Appendix IVa**) mainly on the grounds that the brownfield operations in the vicinity would exterminate the agricultural activities and it is a 'Destroy to Build' example; no information on land filling is provided and existing trees would be removed; and the approval period of five years is too long. Another comment has expressed that the proposed hobby farm would deprive other farms in respect of water resources, and would cause adverse traffic impact (**Appendix IVb**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) for a period of five years at the Site zoned "AGR" (**Plan A-1**). The planning intention of the "AGR" zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. According to the applicant, about 960m² (85%) of the Site will be used for farming purpose while the remaining area of about 160m² (15%) will be used for ancillary storage of fertilisers and farming tools/materials and resting area. The proposed use is generally not in conflict with the planning intention of the "AGR" zone. The Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural perspective.
- 11.2 The proposed use is considered not incompatible with the surrounding land uses which are rural in character comprising mainly grasslands and farmlands, intermixed with storage yards, open storage/warehouse, shop and services and a few residential structures. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) advises that the proposed use is not incompatible with the surrounding areas and felling of existing undersized trees of common species within the Site for the proposed use will not give rise to significant landscape impact.
- 11.3 Other relevant departments consulted including the Commissioner for Transport, Director of Fire Services, Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection and Chief Engineer/Construction of Water Supplies Department have no objection to or adverse comment on the application from traffic, fire safety, drainage, environmental and water supply perspectives respectively. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise the possible environmental nuisance caused by the proposed use on the surrounding areas.
- 11.4 Regarding the public comments summarised in paragraph 10 above, the government departments' comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD has no objection to the application.
- 12.2 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 five years until 4.10.2029. 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 4.4.2025;
- (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 4.7.2025;
- (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 provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 15.11.2024;
- (e) 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 4.4.2025;
- (f) in relation to (e) 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 4.7.2025;
- (g) if 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;
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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
- (i) 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 at **Appendix III**.

- 12.3 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 "AGR" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

14. Attachments

Appendix I	Application Form with Supporting Documents received on 3.5.2024 and Supplementary Information received on 10.5.2024
Appendix Ia	FI received on 20.8.2024
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendices IVa and IVb	Public Comments
Appendix V	Fire Services Department's Good Practice Guidelines for Open Storage Sites
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos