

RNTPC Paper No. A/YL-PH/992A
For Consideration by
the Rural and New Town
Planning Committee
on 21.6.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/992

Applicant : Consense Development Limited

Site : Various Lots in D.D. 111, Wang Toi Shan, Pat Heung, Yuen Long, New Territories

Site Area : About 7,726m²

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Pat Heung Outline Zoning Plan No. S/YL-PH/11

Zoning : “Agriculture” (“AGR”)

Application : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) with Ancillary Facilities for a Period of three Years and Filling of Land

1 The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary place of recreation, sports or culture (hobby farm) with ancillary facilities for a period of three years and filling of land. The Site is zoned “AGR” on the approved Pat Heung OZP No. S/YL-PH/11 (**Plan A-1**). According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’ is a Column 2 use under the “AGR” zone which requires planning permission from the Town Planning Board (the Board). Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is partly paved and occupied by temporary structures and partly covered by grass (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the proposed use involves eight temporary structures of one to two storeys with building heights of not more than 6m and a total floor area of about 2,242m² for activity room, covered farming area, exhibition room, animal house, storage rooms and toilet. The applicant also applies for regularisation of filling of land with concrete by 0.3m for about 2,200m² (28%) of the Site (**Drawing A-2**). An area of about 4,790m² (62%) of the Site, including an area of about 685m² covered under shelter, will be used for farming (**Drawings A-1 and A-3**). The proposed operation hours will be from 9:00 a.m. to 6:00 p.m. daily including public holidays. The Site would accommodate about 50 to 100 visitors per day and there will be not more than ten staff members working at the Site to support the hobby

farm operation. The Site is accessible from Kam Tin Road via local tracks. The site layout plan, paving plan and farming area plan submitted by the applicant are at **Drawings A-1 to A-3**.

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

- (a) Application form and supplementary information (Appendix I)
received on 9.2.2024 and 15.2.2024
- (b) Further Information (FI) received on 19.3.2024 and (Appendix Ia)
20.3.2024*
- (c) FI received on 5.6.2024* (Appendix Ib)
** accepted and exempted from publication and recounting requirements*

1.4 On 5.4.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making 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, supplementary information and FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) The proposed use is temporary in nature and would not frustrate the long-term planning intention of the “AGR” zone. It is also compatible with the surroundings. There are similar applications approved by the Committee in the vicinity of the Site.
- (b) The proposed hobby farm is intended to promote leisure farming and farm products, which echoes with the Government’s New Agriculture Policy. It encourages the public participation in greening activities and enhances the awareness on greening and environmental protection through planting activities.
- (c) No filling of pond nor tree felling would be involved for the proposed use. The visitors to the hobby farm will make use of public transport and the nearby car park in Wang Toi Shan. Adverse environmental and landscape impacts on the surrounding areas are not anticipated
- (d) Demolition works have been carried out to remove some unauthorised structures within the Site. The applicant would apply to the Lands Department (LandsD) for a Short Term Waiver (STW) at a later stage for the remaining structures at the Site which would be used for the proposed hobby farm under the current application.

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 requirement 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) by publishing newspaper notice and sending notice to the

Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members' inspection.

4 Background

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

5 Previous Applications

- 5.1 The Site is involved in five previous applications (No. A/YL-PH/433, 545, 571, 630 and 696) for temporary horse riding school which are not relevant to the current application.
- 5.2 Details of the previous applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

6 Similar Application

There is no similar application for temporary place of recreation, sports or culture (hobby farm) within the same "AGR" zone in the vicinity of the Site in the past five years.

7 The Site and Its Surrounding Areas (Plans A-2 to A-4b)

- 7.1 The Site is:
 - (a) partly paved and occupied by temporary structures and partly covered by grass. An existing pond is located near the southern periphery of the Site (**Plan A-2**); and
 - (b) accessible from Kam Tin Road via local tracks.
- 7.2 The surrounding areas are rural in character mainly intermixed with grassland, farmland, vacant land, village settlements of Wan Toi Shan Shan Tsuen and Wang Toi Shan Wing Ning Lei and open storage/storage yards (without valid planning permissions). Lam Tsuen Country Park is to the east of the Site.

8 Planning Intention

- 8.1 The planning intention of the "AGR" zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 8.2 According to the Explanatory Statement of the OZP for "AGR" zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9 Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 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 III and IV** respectively.
- 9.2 The following government department has adverse comment on the application:

Land Administration

Comments of the District Lands Officer/Yuen Long (DLO/YL), LandsD:

- (a) he has adverse comment;
- (b) the Site comprises Old Schedule Agricultural Lot Nos. 2831 to 2843, 2846, 2847, 2848, 2849 S.A, 2849 S.B, 2849 S.C, 2850 and 2851 all in D.D. 111 held under the Block Government lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) LandsD has reservation on the planning application since there are unauthorised structures and uses on Lot Nos. 2831 to 2841, 2848, 2849 S.A, 2849 S.B & 2849 S.C and 2851 all in D.D. 111 which are already subject to lease enforcement actions according to case priority. The lots owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and
- (d) if the planning application is approved, the lot owner(s) shall apply to his office for a STW to permit the structure(s) erected within the said private lots. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered.

10 Public Comment Received During the Statutory Publication Period (Appendix V)

The application was published for public inspection. During the statutory publication period, one public comment from an individual was received objecting to the application mainly on the grounds that the genuine intention of the proposed use is doubtful; the Site is in the proximity of country park and the Kadoorie Farm and Botanic Garden; the similar applications quoted by the applicant are not in the vicinity of the Site; and the Site involving a large piece of farmland should not be developed.

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 three years and filling of land 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 4,790m² (62%) of the Site will be used for farming purpose. The proposed use is not entirely in line with the planning intention of the “AGR” zone. Nevertheless, the Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural perspective. Taking into account the planning assessments below, the proposed use on a temporary basis for three years could be tolerated.
- 11.2 Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department and the Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental perspectives. An approval condition requiring the reinstatement of the Site to an amenity area is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses intermixed with grassland, farmland, vacant land, village settlements and open storage/storage yards. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that significant adverse landscape impact is not anticipated and has no objection to the application from landscape planning perspective.
- 11.4 DLO/YL of LandsD has adverse comments on the application as there are unauthorised structures and uses within the subject lots. In this regard, according to the applicant, some of the unauthorised structures are removed and the applicant will apply for STW with LandsD for the proposed structures under the current application. An advisory clause on the need for application to LandsD for regularisation of unauthorised structures and uses is also recommended should the Committee approve the application.
- 11.5 Other relevant departments consulted, including the Commissioner for Transport and the Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, 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 DEP to minimise any potential environmental nuisance.
- 11.6 Regarding the public comment objecting to the application as stated in paragraph 10, the departmental comments and planning considerations 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 comment mentioned in paragraph 10, the Planning Department 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 three years until 21.6.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no public announcement system, portable loudspeaker or any form of audio amplification system and whistle blowing is allowed to be used on the site during the planning approval period;
- (b) 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 21.12.2024;
- (c) in relation to (b) 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 21.3.2025;
- (d) in relation to (c) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (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 21.12.2024;
- (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 21.3.2025;
- (g) if any *of* the above planning condition (a) or (d) 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 (b), (c), (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 attached at **Appendix IV**.

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

the proposed use with filling of land 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 and supplementary information received on 9.2.2024 and 15.2.2024
Appendix Ia	FI received on 19.3.2024 and 20.3.2024
Appendix Ib	FI received on 5.6.2024
Appendix II	Previous applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comment
Drawing A-1	Site layout plan
Drawing A-2	Paving plan
Drawing A-3	Farming area plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and 4b	Site photos

**PLANNING DEPARTMENT
JUNE 2024**