

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

**APPLICATION NO. A/YL-PS/655**

- Applicant** : Mr. CHOI Fai-man represented by Goldrich Planners and Surveyors Limited
- Site** : Lots 887 RP (Part) and 887 S.A RP (Part) in D.D.122, Yuen Long, New Territories
- Site Area** : About 435 m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) with Ancillary Facilities for a Period of 5 Years and Land Filling

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary place of recreation, sports or culture (hobby farm) with ancillary facilities for a period of 5 years and land filling at the application site (the Site). The Site falls within an area zoned “GB” on the draft Ping Shan OZP No. S/YL-PS/19 (**Plan A-1**). According to the Notes of the OZP for “GB” zone, ‘Place of Recreation, Sports or Culture (Hobby Farm)’, which is a Column 2 use, and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently vacant and fenced-off, and largely covered with vegetation (**Plans A-4a and 4b**).
- 1.2 The Site is accessible from Long Ping Road via a local track with ingress/egress located at the western side of the Site (**Drawing A-1** and **Plan A-2**). As shown on the layout plan at **Drawing A-3**, about 376m<sup>2</sup> (about 86% of the Site) will be used for farm area, and about 59m<sup>2</sup> (about 14% of the Site) at the northern corner will be paved with concrete with depth not more than 0.1m for site formation of a temporary structure, which will provide a total floor area of 74.4m<sup>2</sup> and height of 6.5m (2 storeys) for agricultural works area and sitting/resting room use.
- 1.3 According to the applicant, the operation hours of the Site are from 8:00 a.m. to 7:00 p.m. every day. The estimated number of visitors is 8 persons during weekends. The visitors are required to take public transport and walk to the Site. The location plan, site plan, layout plan and public transport plan are at **Drawings A-1 to A-4** respectively.

1.4 In support of the application, the applicant has submitted the followings:

- (a) Application Form with attachments received on 31.1.2022 (**Appendix I**)
- (b) FI received on 11.3.2022 (**Appendix Ia**)

[(b) *exempted from publication requirements*]

1.5 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 18.3.2022 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Rural and New Town Planning Committee (the Committee) at this meeting.

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

The justifications put forth by the applicant in support of the application are detailed in the Application Form (**Appendix I**). They can be summarized as follows:

- (a) The proposed development is intended for small group of people to experience agricultural lifestyle. Visitors can engage in agricultural activities throughout the week. Visitors may take the produce home.
- (b) The proposed development will improve environmental quality in the vicinity and benefit the local community.
- (c) The proposed temporary structure at the Site is compatible with the surrounding rural settings of low-rise village houses.
- (d) There is no significant drainage impact from the proposed development.

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

The applicant is not the “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 Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending registered post to the Ping Shan 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 Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) are relevant to this application. The relevant assessment criteria are at **Appendix II**.

## **5. Background**

The Site is not subject to any planning enforcement action.

**6. Previous Application**

There is no previous application at the Site.

**7. Similar Application**

There is no similar application within the same “GB” zone.

**8. The Site and Its Surrounding Areas (Plans A-2, A-4a and A-4b)**

8.1 The Site is:

- (a) currently vacant, fenced off, covered by vegetation and occupied by a temporary structure; and
- (b) accessible from Long Ping Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to its east is an area which is currently works in progress for proposed public housing development. To its further east is a primary school and unused land;
- (b) to its south is a site for gardening. To its further south is the viaduct of Tuen Ma Line; and
- (c) to its west and north are vacant land, unused land and some residential dwellings.

**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**

Government departments consulted have no objection to or adverse comment on the application. Their general comments on the application including the public comments relayed by the District Officer/Yuen Long (DO/YL) and the recommended advisory clauses are provided in **Appendices III and IV** respectively.

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

On 8.2.2022, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals objecting to the application (**Appendices V-1 And V-2**). DO/YL also relayed three public comments objecting to the application. Their objection grounds are summarized below:

- (a) the proposed development is a 'destroy to build' development to encroach into the "GB" zone; and
- (b) the proposed development will cause adverse traffic and drainage impacts to the surroundings.

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

- 12.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) with ancillary facilities for a period of 5 years and land filling at the Site zoned "GB" on the OZP. 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. The requirement for planning permission for land filling operation is to ensure that it would not cause adverse drainage and environmental impacts on the adjacent areas. The proposed hobby farm which consists of about 376m<sup>2</sup> (about 86% of the Site) for farming area and about 59m<sup>2</sup> (about 14% of the Site) to be hard-paved with concrete with depth not more than 0.1m for accommodating a temporary structure for ancillary agricultural uses, can be regarded as a passive recreational use. Besides, DAFC and CE/MN of DSD have no adverse comment on the proposed hobby farm and land filling from the nature conservation and drainage perspectives. In this regard, the proposal involving agriculture/farming use and small scale filling of land is considered not in conflict with the planning intention of the "GB" zone.
- 12.2 The Site is situated in an area of miscellaneous rural fringe landscape character predominated by residential dwellings, tree groups and woodlands. The proposed development involving mainly farming area (86% of the Site) and one temporary low-rise structure (with height of 6.5m or 2-storey and total floor area of about 74m<sup>2</sup>) is not incompatible with the surrounding areas.
- 12.3 As stated in 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. Passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration. Also, the development should not involve extensive clearance of vegetation and affect the natural landscape. As stated in paragraphs 12.1 and 12.2 above, the proposed hobby farm is of small scale and with a cultivation area taking up majority of the Site. As such, the proposed temporary hobby farm is considered not contravening TPB PG-No. 10.
- 12.4 The proposed development will unlikely result in significant adverse landscape, environmental, traffic and fire safety impacts on the surrounding areas and there is no adverse comment from concerned government departments, including CTP/UD&L of PlanD, DEP, C for T and D of FS. Relevant approval conditions have been recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. Any non-compliance with the approval conditions would result in revocation of the planning permission and UD on the Site would be subject to enforcement action by the Planning Authority. Besides, the applicant will be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts on the surrounding areas.

- 12.5 There is no previous application at the Site and no similar application within the same “GB” zone.
- 12.6 There are two public comments objecting to the application mainly on grounds stated in paragraph 10. The planning considerations and assessments in paragraphs 12.1 to 12.5 are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 and relayed by the DO/YL in **Appendix III**, 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 5 years until **1.6.2027**. 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 **1.12.2022**;
- (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 **1.3.2023**;
- (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 **1.12.2022**;
- (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 **1.3.2023**;
- (f) 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;
- (g) if any of the above planning conditions (a), (b), (d) or (e) is not complied with by the above 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 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**.

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

the proposed use and land filling are 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. 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 and attachments received on 31.1.2022
<b>Appendix Ia</b>	FI received on 11.3.2022
<b>Appendix II</b>	Extract of TPB PG-No. 10
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendices V-1 and V-2</b>	Public Comments
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Site Plan
<b>Drawing A-3</b>	Layout Plan
<b>Drawing A-4</b>	Public Transport Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2022**