

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/704

- Applicant** : CHEUNG Kin Yue represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 914, 915, 916 (Part) and 917 (Part) in D.D.122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 2,780m²
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zonings** : “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) (**Plan A-1**). According to the Notes of the OZP for the “GB” zone, ‘Place of Recreation, Sports or Culture’ is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, largely vacant and occupied by some temporary structures (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible via a local track from Long Ping Road (**Drawing A-2, Plans A-2 and A-3**). According to the applicant, the proposal comprises eight 1-storey structures (about 3 to 5m in height) with a total floor area of about 1,560m² for four greenhouses, storage, site office with toilet, security and surveillance camera room and meter room (**Drawing A-3**). The operation hours will be from 9:00 a.m. to 6:00 p.m. daily, including Sundays and public holidays. The total area for cultivation including open farming areas and four greenhouses is about 1,720m² (or 62% of the Site). The maximum number of visitors would not be more than 20 per day at any one time. Two parking spaces for private cars and one loading/ unloading space for light goods vehicles will be provided. Advanced booking would be required for using the parking spaces on-site. Since the Site has been occupied with structures and has been hard-paved for years¹, no further filling of land and tree felling would be undertaken at the Site. The site plan, layout plan, location plan with vehicular

¹ According to aerial photos and record, the Site was covered by structures for agricultural purposes before the gazettal of Ping Shan Development Permission Area Plan No. DPA/YL-PS/1 dated 18.6.1993.

access and landscape proposal plans are shown at **Drawings A-1 to A-6** respectively.

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

- (a) Application form and supplementary statement received **(Appendix I)**
on 10.1.2024
- (b) Further information (FI) received on 23.2.2024* **(Appendix Ia)**
- (c) FI received on 28.2.2024* **(Appendix Ib)**
**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 in the Application Form and the FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) the proposed use is temporary in nature. It is in line with the planning intention of the “GB” zone and would be compatible with the surrounding environment and land uses. The proposed use would not jeopardise the long-term planning intention of the “GB” zone;
- (b) the proposed hobby farm is in line with the government’s New Agriculture Policy. It can promote sustainable leisure farming and raise public awareness of environmental protection;
- (c) the proposed use does not involve filling of land or tree felling, and the structures on site are all temporary in nature. Hence no adverse impact to the surrounding environment would be caused; and
- (d) the proposed use would not cause adverse traffic, air quality, noise and drainage impact on the surrounding areas.

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

The applicant is one of the “current land owners” of the Site. In respect of the other “current land owner”, the applicant 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. 31B) by obtaining consent from the registered land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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**.

5. Background

5.1 The Site was formed part of a cluster of structures for a vacant poultry farm before the gazettal of the Ping Shan Development Permission Area (DPA) Plan No.

DPA/YL-PS/1 dated 18.6.1993. The structures were demolished in 2001 and the Site had been occupied with scattered temporary structures since 2002.

- 5.2 The Site was the subject of a previous planning enforcement case (No. E/YL-PS/753) against unauthorized development (UD) involving parking of vehicles and storage use (including deposit of containers) (**Plan A-2**). An Enforcement Notice (EN) was issued on 22.2.2023 requiring discontinuation of the UD. Subsequent site inspections revealed that the UD had been discontinued. Compliance Notice for the EN was issued on 5.7.2023. The Site is currently not subject to any planning enforcement action.

6. Previous Applications

The Site is involved in three previous applications (No. A/YL-PS/108, 218 and 232) for various temporary open storage uses. All of them were rejected by the Rural and New Town Planning Committee (the Committee) or the Board upon review between 2002 and 2006. The considerations for the said applications are not relevant to the current application for temporary place of recreation, sports or culture (hobby farm). Details of these previous applications are in **Appendix III** and their locations are shown on **Plan A-1**.

7. Similar Application

There is one similar application (No. A/YL-PS/655) for temporary place of recreation, sports or culture (hobby farm) with ancillary facilities for a period of five years and land filling within the same “GB” zone on the OZP in the past five years. The application was approved by the Committee on 1.6.2022 on considerations that the proposed use was not in conflict with the planning intention of “GB” zone; no adverse drainage and environmental impact to surroundings; the proposed use was not incompatible with the surroundings; and not contravening TPB PG-No. 10. Details of the similar application is in **Appendix IV** and the location is shown on **Plan A-1**.

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

8.1 The Site is:

- (a) is largely vacant, fenced off and hard-paved with concrete, partly occupied by temporary structures at the fringe; and
- (b) accessible from Long Ping Road via a local track (**Plans A-2 and A-3**).

8.2 The surrounding areas have the following characteristics:

- (a) comprise open storage yards, warehouse, parking of vehicles, vehicle workshops which are suspected UD's intermixed with plant nursery, a factory, active agricultural land, vacant and unused land and residential structures and village office of Wing Ning Tsuen; and
- (b) to the further south is the Tuen Ma Line viaduct.

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

10.1 Apart from the government departments as set out in paragraph 10.2 below, other departments consulted have no objection to/no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices V** and **VI** respectively.

10.2 The following government department has comments on the application:

District Officer’s Comments

10.2.1 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

He relayed an objection from the Village Representative of Wing Ning Tsuen who is of the view that the proposed hobby farm is close to residential dwellings which would induce adverse noise and traffic impact to villagers. (**Appendix VII**).

11. Public Comments Received During Statutory Publication Period

On 19.1.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received objecting to the application (**Appendices VIII**) on the grounds that the site has been used for brownfield operation and it is suspected that the proposed hobby farm is a disguise for brownfield use.

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years within the “GB” zone of the OZP (**Plan A-1**). The proposed temporary hobby farm, which can be regarded as a passive recreational use, is considered not in conflict with the planning intention of the “GB” zone. Considering the proposed hobby farm is mainly for leisure farming only, approval of the application on a temporary basis would unlikely frustrate the long-term planning intention of the “GB” zone.

12.2 The Site is located in an area predominated by brownfield operations intermixed with scattered temporary residential structures. The proposed use is considered not incompatible with the surrounding environment.

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. The development and its vehicular access road should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape, as well as overstrain the capacity of existing and planned infrastructure in the area. Passive recreational uses which are compatible with the

character of surrounding areas may be given sympathetic consideration. As mentioned in paragraph 5.1 above, the Site has been occupied with structures before the Ping Shan DPA plan took effect in 1993 and the proposed hobby farm has a total area for cultivation taking up more than half of the Site (i.e. 1,720m² or 62%). In this regard, further significant landscape impact on existing landscape resources within the Site is not anticipated and the Chief Town Planner/Urban Design and Landscape, Planning Department has no comment on the application from landscape planning point of view. In view of the above and noting the views of other concerned departments as stated in paragraph 12.4 below, the proposed temporary hobby farm is generally not in conflict with TPB PG-No. 10.

- 12.4 Other concerned government departments including the Director of Agriculture, Fisheries and Conservation, Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to/no adverse comment on the application from ecological, environmental, traffic, drainage and fire safety perspectives. To address the technical requirements of the concerned government departments, relevant approval conditions have been recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to planning enforcement action. Should the application be approved, the applicant will also be advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimise possible environmental nuisance on the surrounding areas.
- 12.5 The Committee has approved one similar application within the same "GB" zone in the past five years. Approval of the current application is in line with the previous decision of the Committee.
- 12.6 There are one public comment conveyed by DO(YL), HAD and one public comment received during the public inspection period objecting to the application. Regarding the brownfield operation previously existed at the Site, it had been discontinued upon planning enforcement action. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are also 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 paragraphs 10.2.1 and 11, 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 **1.3.2027**. 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 **1.9.2024**;

- (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 **1.12.2024**;
- (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 submission of a fire service installations proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **1.9.2024**;
- (e) in relation to condition (d) above, the implementation of the fire service installations proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **1.12.2024**;
- (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; and
- (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.

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 "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. 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 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 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 received on 10.1.2024
Appendix Ia	FI received on 23.2.2024
Appendix Ib	FI received on 28.2.2024
Appendix II	Extracts of Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No. 10)
Appendix III	Previous Applications
Appendix IV	Similar Application
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comment relayed by DO/YL, HAD
Appendix VIII	Public Comment
Drawing A-1	Proposed Site Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Location Plan with Proposed Vehicular Access
Drawings A-4 to A-6	Landscape Proposal
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2024**