

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/327

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| <u>Applicant</u> | : | Mr. Li Kwok Sing represented by Allgain Land Administrators (Hong Kong) Limited |
| <u>Site</u> | : | Lots 1430 (Part), 1431 (Part), 1439 (Part) and 1440 (Part) in D.D.114, Shek Kong, Yuen Long, New Territories |
| <u>Site Area</u> | : | About 1,550m ² |
| <u>Lease</u> | : | Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : | Approved Shek Kong Outline Zoning Plan No. S/YL-SK/9 |
| <u>Zoning</u> | : | “Agriculture” (“AGR”) |
| <u>Application</u> | : | 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 to use the application site (the Site) for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years (**Plan A-1**). According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture (Hobby Farm)’ is a Column 2 use within the “AGR” zone, and planning permission from the Town Planning Board (the Board) is required. The Site is currently fenced, vacant and partly covered by weeds (**Plans A-2 and A-4**).
- 1.2 According to the applicant, about 1,200m² (or about 77% of the Site) will be used as farmland area. Three structures with building heights of not more than 7m (in 1-2 storeys) and a total non-domestic floor area of about 130m² will be erected within the Site for office, reception, changing room, storage room, washroom and meter room uses. The operation hours will be between 9:00 a.m. and 6:00 p.m. daily, including Sundays and public holidays. The Site is accessible via a local access road branching off from Kam Sheung Road (**Plan A-1**). 1 private car parking space will be provided on-site. The layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The Site is the subject of one previous application (No. A/YL-SK/286) for proposed temporary open storage of construction machinery and construction materials, which was rejected by the Rural and New Town Planning Committee (the Committee) on 9.10.2020. Details of the previous application are given in paragraph 5 below.

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

- (a) Application Form with attachments received on 6.4.2022 (**Appendix I**)
- (b) Further Information (FI) received on 17.5.2022 (**Appendix Ia**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I and Ia** respectively as summarized below:

- (a) the proposed use is on a temporary basis and would not jeopardize the long-term planning intention of the “AGR” zone. A few applications for temporary hobby farm in the vicinity have been approved. The proposed use is not incompatible with the surrounding environment;
- (b) the proposed development is intended to serve as a platform to promote sustainable leisure farming and improve public environmental awareness, which is aligned with the government’s initiatives; and
- (c) the proposed hobby farm does not involve tree felling and filling of land, and would not generate adverse traffic, environmental and drainage impacts on the surrounding areas.

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

The applicant is not a “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 taking reasonable steps to give notification to the owner including sending notice to the Pat Heung Rural Committee by registered mail and posting notice at the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Application

The Site is the subject of one previous application (No. A/YL-SK/286) for proposed temporary open storage of construction machinery and construction materials for a period of 3 years rejected by the Committee in 2020, which is not relevant to the subject application. Details of the previous application are summarized at **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Applications

There are two similar applications No. A/YL-SK/290 (for a period of 5 years with filling of land) and No. A/YL-SK/297 (for a period of 3 years without filling of land) for proposed temporary place of recreation, sports or culture (hobby farm) use within the same “AGR” zone on the OZP (**Plan A-1**), which were approved with conditions by the Committee in 2020 and 2021 respectively on similar considerations that the development was generally not in conflict with the planning intention of the “AGR” zone and would not jeopardise its long-term planning intention; it was not incompatible with the surrounding environment; relevant government departments consulted had no adverse comment on the application; and the technical concerns/requirements of the relevant government departments could be addressed by approval conditions. Details of the similar applications are summarized at **Appendix II** and the locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently fenced, vacant and partly covered by weeds; and
- (b) accessible via a local access road branching off from Kam Sheung Road.

7.2 The surrounding areas are predominantly rural in character with active/fallow agricultural land, domestic dwellings/structures, storage/open storage yards and vacant/unused land:

- (a) to its north and northeast are mainly clusters of domestic dwellings/structures intermixed with open storage yards and vacant/unused land;
- (b) to its east are fallow agricultural land and vacant land intermixed with a few domestic dwellings/structures;
- (c) to its south are vacant/unused land with domestic dwellings/structures. To its further south are two sites with valid planning approval for temporary hobby farm use under Application Nos. A/YL-SK/290 and 297 (**Plan A-1**); and
- (d) to its west are vacant land with active agricultural land.

8. Planning Intention

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.

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 III and IV** respectively.

10. Public Comments Received During Statutory Publication Period (Appendix V)

The application was published for public inspection. During the statutory public inspection period, a total of 27 public comments were received from a Yuen Long District Council Member, 2 Indigenous Inhabitant Representatives and a Resident Representative of Pat Heung Sheung Tsuen, 22 local villagers and an individual. They raise objection to/concerns about the application mainly on the grounds that the proposed development will result in adverse traffic, noise and environmental impacts, thereby affecting the living quality and safety of the local community.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary place of recreation, sports or culture (hobby farm) at the Site zoned “AGR” for a period of 3 years (**Plan A-1**). According to the applicant, majority of the site area (i.e. about 1,200m² / about 77% of the Site) will be used as farmland. 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. The proposed use is generally not in conflict with the planning intention of the “AGR” zone. DAFC has no strong view on the application from the agricultural point of view.
- 11.2 The proposed temporary hobby farm with three structures of 1-2 storeys with a total floor area of about 130m² is considered not incompatible with the surrounding environment which is predominantly rural in character intermixed with active/fallow farmland, vacant land, storage yards and domestic dwellings/structures (**Plan A-2**). C for T, DEP, CE/MN of DSD and CTP/UD&L of PlanD have no objection to/no adverse comment on the application. It is anticipated that the proposed development would not have significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. The technical requirements of CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 12.2 (a) to (e). Besides, the applicant would be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP.

- 11.3 There are two similar applications (Nos. A/YL-SK/290 and 297) for temporary hobby farm within the same “AGR” zone, which were approved by the Committee in 2020 and 2021 respectively. The Committee’s considerations on the previous applications as stated in paragraph 6 above are generally applicable to the current application. Approval of this application is in line with the previous decisions of the Committee.
- 11.4 Regarding the public comments on the application as detailed in paragraph 10 above, 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, 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 20.5.2025. 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 **20.11.2022**;
- (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 **20.2.2023**;
- (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 planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **20.11.2022**;
- (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 **20.2.2023**;
- (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; and

- (g) if any of the above planning conditions (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 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 development 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 reasons for rejection should be given to the applicant.

14. Attachments

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| Appendix I | Application form with attachments received on 6.4.2022 |
| Appendix Ia | FI received on 17.5.2022 |
| Appendix II | Previous and similar applications |
| Appendix III | Government departments' general comments |
| Appendix IV | Recommended advisory clauses |
| Appendix V | Public comments |
| 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

**PLANNING DEPARTMENT
MAY 2022**