

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

**APPLICATION NO. A/YL-TT/515**

|                           |   |  |
|---------------------------|---|--|
| <b><u>Applicant</u></b>   | : | Washington Holdings Limited represented by R-riches Property Consultants Limited                                   |
| <b><u>Site</u></b>        | : | Lots 1339 S.G and 1339 S.H ss.1 in D.D. 117, Tai Tong, Yuen Long, New Territories                                  |
| <b><u>Site Area</u></b>   | : | 833 m <sup>2</sup> (about)   |
| <b><u>Lease</u></b>       | : | Block Government Lease (demised for agricultural use)  |
| <b><u>Plan</u></b>        | : | Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/17  |
| <b><u>Zonings</u></b>     | : | “Agriculture” (“AGR”) (about 88.2%); and<br>“Green Belt” (“GB”) (about 11.8%)                                      |
| <b><u>Application</u></b> | : | Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 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) for a period of 5 years and filling of land (**Plan A-1**). According to the Notes of the OZP for the “AGR” and “GB” zones, ‘Place of Recreation, Sports or Culture’ (restricted to horse riding school, hobby farm and fishing ground only for the “AGR” zone) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Furthermore, filling of land within the “AGR” and “GB” zones also require planning permission from the Board. The Site is currently partly vacant/vegetated and partly occupied by an open storage yard for construction materials and a temporary structure (**Plans A-2 and A-4**).
- 1.2 The Site involves one previous application (No. A/YL-TT/315) for temporary open storage of construction machinery and materials for a period of 3 years which was rejected by the Board on review in 2014. Details of the application are summarised in **Appendix III** and the boundary of the site is shown on **Plan A-1**.
- 1.3 According to the applicant, the proposed hobby farm will provide sustainable and organic farming experiences to visitors. The hobby farm will be operated by a maximum of six members of staff and visits to the Site will be on booking basis.

The maximum number of visitors per day are 10 and 25 for weekdays and weekends respectively. The produces are mainly fruits and vegetables, which can be taken away by visitors. Majority of the Site will be used as farming area (54%) and soil ground for parking spaces and circulation (31%), with the remaining area hard-paved and occupied by structures (15%). Usage of loudspeakers, audio amplifier and public announcement systems are prohibited at the Site. Furthermore, no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, will be allowed to enter/exit the Site. Plans showing the vehicular access leading to the Site, site layout and extent of paving of the Site submitted by the applicant are at **Drawings A-1 to A-3** respectively.

1.4 The major development parameters of the application are summarised as follows:

|  |   |
|--|---|
| <b>Site Area</b>                                   | About 833 m <sup>2</sup>  |
| <b>Total Floor Area (Non-domestic)</b>             | About 252 m <sup>2</sup>  |
| <b>Thickness of Filling of Land</b>                | About 0.2 m   |
| <b>Extent of Filling of Land</b>                   | About 126m <sup>2</sup> (i.e. about 15% of the Site)  |
| <b>No. and Height of Structures</b>                | 2<br>• one for reception, site office and washroom (7m, 2 storeys)<br>• one for storage of farm tools, changing room and agricultural learning room (7m, 2 storeys) |
| <b>No. of Parking and Loading/Unloading Spaces</b> | 2<br>• one for private car (5m x 2.5m)<br>• one for light goods vehicle (3.5m x 7m)   |
| <b>Operation Hours</b>                             | 9:00 a.m. to 6:00 p.m. daily  |

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

- (a) Application Form with plans received on 21.1.2021 **(Appendix I)**
- (b) Further Information (FI) dated 25.2.2021 responding to departmental comments **(Appendix Ia)**  
*[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 (**Appendices I and Ia**). They can be summarised as follows:

- (a) The temporary proposal is to meet the recent demand for recreational farming and will not frustrate the long-term planning intentions of the “AGR” and “GB” zones. The Site will be reinstated for agricultural use upon expiry of the planning permission. The majority of the Site will be reserved for farming activities which are similar to the permitted ‘Agricultural Use’ within the “AGR” zone.
- (b) There will be minimal traffic, environmental, landscape and drainage impacts arising from the proposal. Pesticides will not be used. The Professional Persons

Environmental Consultative Committee Practice Notes will be observed for sewage treatment at the Site. The “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Use” (Code of Practice) will also be followed to minimise environmental impacts on the nearby sensitive receiver.

### **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 posting site notice and sending the notice to the Shap Pat Heung Rural Committee by registered post. 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 the 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 summarised as follows and detailed at **Appendix II**:

- (a) there is a general presumption against development (other than redevelopment) in “GB” zone. In general, the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use;
- (b) an application for new development in a “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas;
- (c) passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration; and
- (d) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment.

### **5. Background**

The Site is currently not subject to planning enforcement action.

### **6. Previous Application**

The Site involves one previous application (No. A/YL-TT/315) covering a larger site for temporary open storage of construction machinery and materials for a period of 3 years which was rejected by the Board on review in 2014, mainly on the grounds that the

development was not in line with the planning intention of the “AGR” zone and the then “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E); there were potential adverse environmental, landscape and drainage impacts; and the setting of undesirable precedent. Details of the applications are summarised in **Appendix III** and the boundary of the site is shown on **Plan A-1**.

## **7. Similar Applications**

- 7.1 There are four similar applications for temporary place of recreation, sports or culture (hobby farm) use or filling of land within/straddling the subject “AGR” and “GB” zones. Details of these applications are summarised in **Appendix IV** and the locations of the sites are shown on **Plan A-1**.

### ***Approved Applications (2 Cases)***

- 7.2 Applications No. A/YL-TYST/394 (within the “AGR” zone) and 417 (straddling the subject “AGR” and “GB” zones and the adjacent “Open Storage” zone) for temporary place of recreation, sports or culture (hobby farm) covering different extents of a site were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board each for a period of 3 years in 2016 and 2018, mainly on the considerations that the proposals were not entirely in conflict with the planning intention of the “AGR” zone; not entirely incompatible with the surrounding areas; and departmental concerns could be addressed by imposing approval conditions. However, both planning permissions were subsequently revoked in 2017 and 2020 due to non-compliance with approval conditions.

### ***Rejected Application (2 Cases)***

- 7.3 Application No. A/YL-TT/353 for temporary place of recreation, sports or culture (hobby farm) within the subject “AGR” zone was rejected by the Committee in 2015, mainly on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone; there was potential adverse landscape impact; and setting of undesirable precedent.
- 7.4 Application No. A/YL-TT/503 for filling of land for permitted agricultural use (apiary) within the subject “GB” zone was rejected by the Committee in 2020, mainly on the grounds that the filling of land was not in line with the planning intention of the “GB” zone and the applicant also failed to justify the need for land filling; and the setting of undesirable precedent.

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

- 8.1 The Site is:
- (a) accessible from Tai Tong Road via a local track to its northwest (**Drawing A-1** and **Plan A-3**);
  - (b) partly fenced-off; and

- (c) currently partly vacant/vegetated and partly occupied by an open storage yard for construction materials and a temporary structure (**Plans A-2 and A-4**).

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) predominantly rural fringe in character with mainly agricultural land and residential structures intermixed with open storage/storage yards, parking of vehicles, shrubland, ruin and vacant land/structures in the subject “AGR” zone;
- (b) to the north and east in the subject “GB” zone are mainly unused land, agricultural land and graves with scattered residential structures;
- (c) there are residential structures in the vicinity of the Site with several of them located to the immediate north and south of the Site; and
- (d) the open storage/storage yards and parking of vehicles in the vicinity are suspected unauthorised development (UD) subject to enforcement action taken by the Planning Authority.

## **9. Planning Intentions**

- 9.1 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.
- 9.2 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.
- 9.3 According to the Explanatory Statement of the OZP, as filling of land/pond may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities in the “AGR” and “GB” zones.

## **10. Comments from Relevant Government Departments**

- 10.1 The following government departments have been consulted and their views on the application and public comments, where relevant, are summarised as follows:

### **Land Administration**

- 10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
  - (a) The Site comprises Old Schedule Agricultural Lots 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.

- (b) Should planning approval be given to the subject planning application, the lot owner(s) will need to apply to her office to permit the structures to be erected or to regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by her department.

### **Traffic**

#### 10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The land status of the access road/path/track leading to the Site from Tai Tong Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (c) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

#### 10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) His department shall not be responsible for the maintenance of any access connecting the Site and Tai Tong Road.

### **Environment**

#### 10.1.4 Comments of the Director of Environmental Protection (DEP):

The applicant should be reminded of the detailed comments at **Appendix V**.

### **Landscape**

#### 10.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) She has no objection to the application from landscape planning perspective given that approvals were granted to similar planning applications No. A/YL-TT/394 and 417 within the same “AGR”

zone and no adverse landscape impact arising from the proposed development is envisaged.

- (b) According to the aerial photo of 2020 (**Plan A-3**) and the site photos (**Plan A-4**), the Site is hard paved and occupied by open storage of construction materials. No existing tree is observed within the Site. The Site is situated in an area of miscellaneous rural fringe landscape character predominated by woodland, farmlands and tree groups, with some temporary structures and warehouses observed in the proximity. The proposed development is considered not incompatible to the landscape character of the surrounding area.
- (c) With reference to the proposed layout plan (**Drawing A-2**) and paved ratio plan (**Drawing A-3**), the north-eastern part of the Site is for farm area of about 449m<sup>2</sup> (about 54% of site area) and the rest of the Site is mainly soiled ground of about 338m<sup>2</sup> (about 31% of site area). Two structures of 7m high (2-storey) are proposed in the south-western part of the Site and their scale is not substantial.

#### **Nature Conservation and Agriculture**

##### 10.1.6 Comments of the Director of Agriculture, Fisheries and Nature Conservation (DAFC):

- (a) The Site falls within the “AGR” and “GB” zones and possesses potential for agricultural rehabilitation. She has no strong view on the application for the proposed use and land filling from agricultural point of view on the understanding that agricultural activities are involved in the proposed use and the Site will be reinstated upon expiry of the planning permission.
- (b) She has no particular comment on the application from the ecological perspective as the Site including the areas under the “GB” zone is already disturbed in nature.

#### **Drainage**

##### 10.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the submission of a drainage proposal and implementation and maintenance of the drainage proposal for the proposed development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

### **Fire Safety**

#### 10.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should be reminded of the detailed comments at **Appendix V**.

### **Building Matters**

#### 10.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

The applicant should be reminded of the detailed comments at **Appendix V**.

### **District Officer's Comments**

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

Her office has not received any comment from the village representatives in the vicinity regarding the application.

#### 10.2 The following government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (c) Commissioner of Police (C of P).

## **11. Public Comments Received During the Statutory Publication Periods**

On 29.1.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, four public comments were received. Hong Kong Bird Watching Society and Designing Hong Kong Limited (**Appendices V-1** and **V-2** respectively) objected the application on the grounds that the proposal is not in line with the planning intention of the “AGR” and “GB” zones; the Site was involved in “Destroy First, Development/Apply Later” practice and was the subject of planning enforcement action; and approval of the application would set an undesirable precedent. The remaining public comments from World Wide Fund for Nature Hong Kong and an individual (**Appendices V-3** and **V-4** respectively) urged the Board to consider if the Site is linked to UD and whether the current application is to continue the previously rejected open storage yard at the Site; and opined that the 2-storey proposed structures are unusual for hobby farm.



## **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 5 years and filling of land at the Site zoned “AGR” (about 88.2%) and “GB” (about 11.8%) on the OZP. 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. Meanwhile, the planning intention of the “GB” zone is primarily to define 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. According to the proposal, the proposed development is mainly intended to provide sustainable and organic farming experiences to the visiting public. The majority of the Site will be used as farm area (54%) and soil ground for parking spaces and circulation (31%), with the remaining area hard-paved and occupied by structures (15%). The extent of hard paving (about 126m<sup>2</sup>), which falls solely within the portion zoned “AGR”, is not considered excessive. In this regard, DAFC has no strong view on the application on the understanding that agricultural activities are involved in the proposed use. As such, the proposal is considered not entirely in conflict with the planning intentions of the “AGR” and “GB” zones.
- 12.2 The surrounding area is rural fringe in character with mainly agricultural land, residential structures and vacant land/structures (**Plan A-2**). The proposal, which is akin to a farming operation commonly found in rural fringe area, is generally not incompatible with the surrounding uses and the rural character of the area. Meanwhile, no filling of land is proposed within the “GB” portion of the Site.
- 12.3 The proposal is generally in line with TPB PG-No. 10 in that passive recreational uses which are compatible with the character of the surrounding area may be given sympathetic consideration; CTP/UD&L, PlanD considered that the scale of the proposed development, consisting of two 2-storey structures (7m) with floor area of 252m<sup>2</sup>, is not substantial and not incompatible with the landscape character of the area; adverse environmental, drainage, sewerage and visual impacts on the surrounding environment are not envisaged; and the proposal would not overstrain the capacity of existing and planned infrastructure in the area.
- 12.4 There is no adverse comment on the application from concerned government departments, including C for T, DEP and CE/MN, DSD. Furthermore, relevant approval conditions are recommended in paragraph 13.2 to minimise any potential environmental nuisances or to address public concerns and the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will be advised to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas, and to note that the planning permission does not condone any other development/use not covered by the application.
- 12.5 There is no relevant previous application for place of recreation, sports or culture concerning the Site. Given that two similar applications within/straddling the

subject “AGR” and “GB” zone have been approved by the Committee, approval of the application is generally in line with the Committee’s previous decisions. There were two similar applications rejected by the Committee on the considerations, amongst others, that there was potential adverse landscape impacts and the need for land filling was not justified. However, such considerations are generally not applicable to the current application as CTP/UD&L, PlanD considered the proposal not incompatible with the landscape character of the area; and the extent of filling of land is not considered excessive for the current application.

- 12.6 There were four public comments received on the application during the statutory publication period as summarised in paragraph 11 above. 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 as summarised in paragraph 11 above, 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 12.3.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no usage of loudspeakers, audio amplifiers and public announcement is allowed on the Site, as proposed by the applicant, at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the provision of boundary fence on the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 12.9.2021;
- (f) 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 12.9.2021;
- (g) in relation to (f) 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 12.12.2021;

- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) 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 12.9.2021;
- (j) in relation to (i) 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 12.12.2021;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (h) 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;
- (l) if any of the above planning conditions (e), (f), (g), (i) or (j) 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
- (m) 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 VI**.

- 13.3 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 intentions of the "AGR" and "GB" zones. The planning intention of the "AGR" zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, while 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. No strong planning justification has been given in the submission for a departure from the planning intentions, even on a temporary basis. The applicant also fails to justify the need for land filling.

## **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 with plans received on 21.1.2021                                  |
| <b>Appendix Ia</b>           | FI received on 25.2.2021   |
| <b>Appendix II</b>           | Relevant extract of TPB PG-No. 10  |
| <b>Appendix III</b>          | Previous Application covering the Site   |
| <b>Appendix IV</b>           | Similar Applications within/straddling the subject “AGR” and “GB” zones on the OZP |
| <b>Appendices V-1 to V-4</b> | Public Comments Received During the Statutory Publication Periods                  |
| <b>Appendix VI</b>           | Recommended Advisory Clauses   |
| <b>Drawing A-1</b>           | Vehicular Access Plan  |
| <b>Drawing A-2</b>           | Site Layout Plan   |
| <b>Drawing A-3</b>           | Proposed Paving Plan   |
| <b>Plan A-1</b>              | Location Plan with Previous and Similar Applications                               |
| <b>Plan A-2</b>              | Site Plan  |
| <b>Plan A-3</b>              | Aerial Photo   |
| <b>Plan A-4</b>              | Site Photos  |

**PLANNING DEPARTMENT  
MARCH 2021**