

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-SKW/133

<u>Applicant</u>	: Mr. 李志倫 represented by 海願規劃發展公司
<u>Site</u>	: Lots 1386 and 1387 in D.D. 375, So Kwun Wat, Tuen Mun, New Territories
<u>Site Area</u>	: About 654m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved So Kwun Wat Outline Zoning Plan (OZP) No. S/TM-SKW/15
<u>Zonings</u>	: (i) “Green Belt” (“GB”) (about 624m ² or 95.4%) (ii) “Village Type Development” (“V”) (about 30m ² or 4.6%) ¹ <i>[Restricted to a maximum building height of 3 storeys (8.23m), except for those developments / uses specified in the Notes]</i>
<u>Application</u>	: Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) and Associated Filling and Excavation of Land 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) and associated filling and excavation of land for a period of three years at the application site (the Site) zoned “GB” on the OZP (**Plans A-1 and A-2**). According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Furthermore, filling and excavation of land within the “GB” zone also require planning permission from the Board. The Site is currently fenced, partly hard-paved and deposited with two containers and miscellaneous items (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible via a local track leading from So Kwun Wat Tsuen Road (**Plan A-2**). According to the applicant, about 393m² (about 60% of the Site) will be used for cultivation purpose for growing strawberries and vegetables. The farming activities will be in the forms of traditional farming at open-air areas and hydroponics farming on the existing hard-paved area and under the two proposed single-storey structures of about 4m in height and a floor area of 12m² each. One private car parking space will be provided. The proposed hobby farm will be opened from 9:00 a.m. to 7:00 p.m. daily, serving at most 20 visitors at one time. No public announcement system will be allowed at the Site.

¹ The slight encroachment onto the “V” zone could be considered as minor boundary adjustment allowed under the covering Notes of the OZP.

- 1.3 The application involves regularisation of filling of land with concrete. (about 172m² or 26% of the Site and 0.1m in depth) for site formation, erection of structures and circulation purposes. The applicant also applies for regularisation of excavation of land (about 28.8m² or 4.4% of the Site and 0.3m in depth) for the as-built surface U-channel for dissipation of stormwater, which was approved under the previous application No. A/TM-SKW/113. According to the applicant, no further filling or excavation of land will be carried out at the Site. Plans showing the site layout, filling and excavation of land are at **Drawings A1 to A3** respectively.
- 1.4 The Site is the subject of two previous applications for various temporary uses (details at paragraph 6). The last application (No. A/TM-SKW/113) for the same proposed use and associated excavation of land submitted by the same applicant as the current application was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 4.3.2022. Compared to the last application, the current application is of the same use with regularisation of filling and excavation of land covering the same site and a different layout. All the time-limited approval conditions imposed under the last application have been complied with and the planning permission lapsed on 5.3.2025.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form and Planning Statement received on **(Appendix I)**
17.4.2025
 - (b) Supplementary Information received on 29.4.2025 **(Appendix Ia)**
 - (c) Further Information (FI) received on 26.5.2025 **(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 at **Appendices I and Ib**. They can be summarised as follows:

- (a) the proposed use is temporary in nature and will not jeopardise the long-term planning intention of the Site;
- (b) the proposed use is compatible with the surrounding environment and will provide a passive recreational outlet for nearby residents to experience leisure farming; and
- (c) the Site will be under proper management and no adverse environmental impact will be generated.

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. 31B) by posting site notice and sending notice to the Tuen Mun

Rural Committee by registered post. 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

Part of the Site is subject to planning enforcement action against unauthorized development (UD) involving filling of land (CEP/E/TM-SKW/136) (**Plan A-2**). Enforcement Notice was issued on 19.2.2025 requiring discontinuation of the UD. Reinstatement Notice was issued on 6.3.2025 requiring reinstatement at the specified area of the concerned land. If the notice is not complied with, prosecution action would be considered.

6. Previous Applications

- 6.1 The Site is the subject of two previous applications (No. A/TM-SKW/76 and 113) covering different extent of the Site. Details of these previous applications are at **Appendix III** and their boundaries are shown on **Plan A-1**.
- 6.2 Application No. A/TM-SKW/76 for temporary open storage of construction materials with ancillary offices for a period of one year was rejected by the Committee in 2012. The consideration of this previous application is not relevant to the current application which involves a different use.
- 6.3 Application No. A/TM-SKW/113 for temporary hobby farm and associated excavation of land covering the same site as the current application was approved with conditions for a period of three years by the Committee on 4.3.2022, mainly on the considerations that the proposed hobby farm was generally in line with the planning intention of the "GB" zone and TPB PG-No. 10; being not incompatible with the surrounding environment; and there was no adverse comment from concerned government departments and the technical concerns could be addressed by approval conditions. All time-limited approval conditions have been complied with and the planning permission subsequently lapsed on 5.3.2025.

7. Similar Applications

There are two similar applications within the same "GB" zone (No. A/TM-SKW/121 and 127) for temporary hobby farm for a period of three years and associated excavation of land (**Plan A-1**) in the past five years. The applications were approved with conditions by the Committee on 8.12.2023 and 28.2.2025 respectively, mainly on the similar considerations as mentioned in paragraph 6.3 above. Details of these similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) currently fenced, partly hard-paved and deposited with two containers and miscellaneous items;
- (b) accessible via a local track leading from So Kwun Wat Tsuen Road; and
- (c) located within the So Kwun Wat Site of Archaeological Interest.

8.2 The surrounding areas are predominantly rural in nature comprising mainly vacant and unused land, plant nurseries, village houses and some open storage yards. Some of these uses are suspected UD's subject to planning enforcement action.

9. Planning Intention

9.1 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.

9.2 According to the Explanatory Statement of the OZP, as filling and excavation of land may cause adverse impacts on the natural environment, permission from the Board is required for such activities within the "GB" zone.

10. Comments from Relevant Government Departments

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

10.2 The following government department has adverse comment on the application.

Land Administration

10.2.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) the Site comprises Old Schedule Agricultural Lots, namely Lots 1386 and 1387 in D.D. 375 ("the 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) the Site was occupied but not vacant as stated in the Application Form. As the Site was gated and no access to the Site could be gained by his office, hence, the size of the existing containers found within the Site and their uses could not be ascertained. His office reserves the rights to have further comments and the applicant should clarify the uses of the existing containers.

- (c) according to the Land Registry records, the Lots were in different ownerships. If the planning application is approved, the Lots owners shall apply to his office for Short Term Waivers (STWs) to permit the structures erected within the Lots. The application for STWs will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STWs, if approved, will be subject to such terms and conditions including the payment of waiver fees and administrative fees as considered appropriate by his department. Besides, given the proposed use is temporary in nature, only erection of temporary structures will be considered;
- (d) the Site is accessible via a local access on Government land and various private lots. His office does not carry out maintenance works for the said access nor guarantee that any right-of-way to the Site will be given. The applicant shall be responsible for his own access arrangement;
- (e) there is no Small House application approved or under processing at the Site; and
- (f) his detailed advisory comments are at **Appendix V**.

11. Public Comments Received During Statutory Publication Period

On 2.5.2025, the application was published for public inspection. During the statutory public inspection period, six public comments were received (**Appendix VI**), all objecting to the application mainly on the grounds that the proposed use would cause adverse traffic and environmental impacts on the surrounding areas and arouse fire safety, hygiene, flooding and noise concerns; there is no detailed proposal on drainage arrangement or site management plan; and the proposed use might involve the act of “damage first” as vegetation clearance had been taken place at the Site.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) and associated filling and excavation of land for a period of three years at the Site zoned “GB” on the OZP (**Plan A-1**). According to the applicant, about 393m² (about 60% of the Site) of the hobby farm will be used for cultivation purpose in the forms of traditional and hydroponics farming. In this regard, the Director of Agriculture, Fisheries and Conservation (DAFC) has no comment on the application from agricultural perspective. Noting that the proposed hobby farm can provide passive agricultural outlet for leisure farming, it is considered not in conflict with the planning intention of the “GB” zone. In view of the above and taking into account of the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of three years.
- 12.2 The application also involves the regularisation of filling of land with concrete (about 172m² or 26% of the Site and 0.1m in depth) and excavation of land (about 28.8m² or 4.4% of the Site and 0.3m in depth) at the portion zoned “GB” on the OZP. Filling and excavation of land within the “GB” zone require planning permission from the Board as it may cause adverse impacts on the natural environment. According to the applicant, no additional filling and excavation works would be carried out at the Site.

In this regard, DAFC and the Chief Engineer/Mainland North of Drainage Services Department have no adverse comment on the application from the nature conservation and public drainage viewpoints.

- 12.3 The Site is situated in an area of rural in nature comprising mainly vacant and unused land, plant nurseries, village houses and some open storage yards (**Plan A-2**). In view of the nature and small scale of the proposed hobby farm, it is considered not incompatible with the surrounding areas. In this regard, the Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application from the landscape planning perspective. An approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “GB” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 12.4 According to TPB PG-No.10, while new development will only be considered in exceptional circumstances and must be justified with very strong planning grounds, passive recreational use which is compatible with the character of the surrounding areas may be given sympathetic consideration. As mentioned in paragraph 12.1 above, about 60% of the Site is proposed for cultivation purpose and no additional filling and excavation works will be carried out at the Site. The issue of compatibility has also been discussed in paragraphs 12.3 above. In view of the above and noting the views of concerned departments as stated in paragraphs 12.2 and 12.5, the proposed hobby farm is considered not in conflict with TPB PG-No. 10.
- 12.5 Other concerned government departments consulted including the Commissioner for Transport, Director of Environmental Protection and Director of Fire Services have no objection to/no adverse comment on the application from traffic, environmental and fire safety aspects. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the planning application be approved, the applicant will be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise the potential environmental nuisance to the surrounding areas.
- 12.6 Regarding DLO/TM, LandsD’s concern on the use of the existing structures within the Site, the applicant will be advised to liaise with LandsD on the land administration matter should the Committee approve the application.
- 12.7 One previous application for the same use (proposed temporary hobby farm and associated excavation of land) was approved by the Committee in 2022 and two similar applications in the same “GB” zone were approved by the Committee in 2023 and 2025. Approval of the current application is in line with the Committee’s previous decisions.
- 12.8 Regarding the public comments as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.7 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned 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 three years until **6.6.2028**. 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 **6.12.2025**;
- (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 **6.3.2026**;
- (c) in related 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 **6.12.2025**;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9 months** the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **6.3.2026**;
- (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 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; and
- (h) upon the expiry of the planning permission, the reinstatement of the application site, including the removal of fill materials and hard paving, backfilling and grassing of the application site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

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

the proposed use with associated filling and excavation of land is not in line with the planning intention of the “Green Belt” zone, which are 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 also a general presumption against development within the “Green Belt” 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 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

Appendix I	Application Form and Planning Statement received on 17.4.2025
Appendix Ia	Supplementary Information received on 29.4.2025
Appendix Ib	FI received on 26.5.2025
Appendix II	Extract of TPB PG-No. 10
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments’ General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan with Vehicular Access
Drawing A-2	Land Filling Plan
Drawing A-3	Land Excavation Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2025**