

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1107

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| <u>Applicant</u> | : Mr. LAM Tung Man represented by R-riches Property Consultants Limited |
| <u>Site</u> | : Lots 1058 RP, 1059 RP, 1060 and 1061 in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long, New Territories |
| <u>Site Area</u> | : About 912m ² |
| <u>Lease</u> | : Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11 |
| <u>Zoning</u> | : “Agriculture” (“AGR”) |
| <u>Application</u> | : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) with Ancillary Facilities and Associated Filling of Land for a Period of Five Years |

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary place of recreation, sports or culture (hobby farm) with ancillary facilities and associated filling of land for a period of five years at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “AGR” zone, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’, which is a Column 2 use, and filling of land require planning permission from the Town Planning Board (the Board). The Site is partly hard-paved and fenced-off, largely vacant and erected with some temporary structures (**Plans A-2** and **A-4**).
- 1.2 The Site is accessible from Mei Fung Road via local tracks (**Plans A-1** to **A-3**). According to the applicant, the proposed use involves four structures of two storeys with heights of about 7m and a total floor area of about 288m² for plant nursery, ancillary reception, site office, toilet, changing room and storage (**Drawing A-1**). The applicant also applies for regularisation of filling of land for about 222m² (24.3% of the Site) with concrete of not more than 0.2m in depth (to a level of not more than 6.7mPD) for site formation and circulation (**Drawing A-2**). Farming area of 551m² (60.4% of the Site) and landscape area of 139m² (15.2% of the Site) will be provided. Peripheral fencing will be erected along the site boundary. There will be no parking or loading/unloading space within

the Site, and visitors and staff will access the Site by means of public transport and walking. A maximum of 20 visitors and three staff members per day will be accommodated at the Site. No public announcement system, whistle blowing, portable loud speaker, or any form of audio amplification system will be used within the Site at any time. The operation hours will be between 9:00 a.m. and 6:00 p.m. daily, including Sundays and public holidays. Plans showing the site layout and land filling area submitted by the applicant are on **Drawings A-1** and **A-2** respectively.

- 1.3 The Site is the subject of a previous application (No. A/YL-KTN/806) for the same use for a period of five years with filling of land submitted by the same applicant as the current application (details at paragraph 5 below). The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2022 and the planning permission was subsequently revoked due to non-compliance with approval conditions. Compared with the previous application, the site area/boundary, development parameters and layout under the current application remain the same.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 9.4.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 19.5.2025* (**Appendix Ia**)
 - (c) FI received on 28.5.2025* (**Appendix Ib**)
 - (d) FI received on 11.6.2025# (**Appendix Ic**)
- * *accepted and exempted from publication and recounting requirements*
accepted but not exempted from publication and recounting requirements
- 1.5 On 6.6.2025, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I** to **Ic**, and can be summarised as follows:

- (a) The proposed use intends to promote sustainable and organic farming in the Kam Tin area. The temporary nature of the current application would not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding areas and there were similar applications approved in the vicinity of the Site. Adverse impacts generated by the proposed use on the surrounding areas are not anticipated.
- (b) Compliance submissions have been made by the applicant under the previous application No. A/YL-KTN/806. The applicant is currently seeking quotations from drainage contractors. The relevant Short Term Waiver application for erecting structures at the Site has also been made.
- (c) In support of the application, the applicant has submitted drainage and fire service installations (FSIs) proposals.

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

The applicant is not a ‘current land owner’ but has complied with the requirement 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 Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to any active planning enforcement action. The Site was previously covered by a planning permission (No. A/YL-KTN/806) for the same use for a period of five years and filling of land, which was revoked on 20.2.2025. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. Previous Application

The Site is the subject of a previous application (No. A/YL-KTN/806) for the same use for a period of five years with filling of land submitted by the same applicant as the current application. The previous application was approved with conditions by Committee in 2022 mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comment or the concerns could be addressed by approval conditions. The planning permission was subsequently revoked in 2025 due to non-compliance with approval conditions related to implementation of drainage and FSIs proposals. The site area/boundary, development parameters and layout under the current application are the same as the previous application as mentioned in paragraph 1.3 above. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

There are 13 similar applications involving temporary hobby farm (including nine with filling of land and four also with holiday camp, prawning ground or barbeque site) within the same “AGR” zone in the vicinity of the Site in the past five years, which were all approved with conditions by the Committee between 2020 and 2025 on the similar considerations as mentioned in paragraph 5 above. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) partly hard-paved and fenced-off, largely vacant and erected with some temporary structures; and

(b) accessible from Mei Fung Road via local tracks.

7.2 The surrounding areas are rural in character with an intermix of hobby farm, residential structures, farmland, grassland, pond and vacant land. To the northwest of the Site is an existing watercourse.

8. Planning Intention

8.1 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.

8.2 According to the Explanatory Statement of the OZP for the “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

All 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, if any, are provided in **Appendices III** and **IV** respectively.

10. Public Comments Received During Statutory Publication Periods

On 22.4.2025 and 20.6.2025, the application and FI were published for public inspection. During the statutory public inspection periods, two public comments were received from the Kadoorie Farm and Botanic Garden Corporation and an individual expressing concerns on the potential impacts on Agricultural Priority Areas; unauthorized development at the Site; and non-compliance with approval conditions under the previous application at the Site (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) with ancillary facilities and associated filling of land for a period of five years at the Site zoned “AGR” (**Plan A-1**). Whilst the proposed use is not entirely in line with the planning intention of the “AGR” zone, according to the applicant, about 551m² (60.4%) of the Site will be used for farming purpose and the Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural perspective on the understanding that agricultural activities are involved in the proposed use. In view of the above and taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis of five years.

11.2 Filling of land in the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding

areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Environmental Protection have no objection to the application from public drainage and environmental planning perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of hobby farm, residential structures, farmland, grassland, pond and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective considering that significant adverse landscape impact is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services (D of FS), have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance caused by the proposed use.
- 11.5 The Site is the subject of a previously approved application (No. A/YL-KTN/806) for the same use submitted by the same applicant as detailed in paragraph 5 above. Whilst the planning permission under the previous application was revoked in 2025 due to non-compliance with approval conditions related to implementation of drainage and FSIs proposals, in support of the current application, the applicant has submitted the relevant proposals which are considered acceptable by CE/MN of DSD and D of FS respectively. In this regard, sympathetic consideration may be given to the current application. Should the applicant be approved, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.6 There are 13 approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant. Moreover, any unauthorized development on the Site would be subject to planning enforcement action.

12. Planning Department's View

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD 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 five years until 1.8.2030. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the implementation of the accepted 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 1.5.2026;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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 1.5.2026;
- (d) if the above planning condition (b) 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;
- (e) if any of the above planning condition (a) or (c) 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
- (f) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

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 use with associated filling of land 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. There is no strong planning justification 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 reason(s) for rejection should be given to the applicant.

14. Attachments

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| Appendix I | Application Form with attachments received on 9.4.2025 |
| Appendix Ia | FI received on 19.5.2025 |
| Appendix Ib | FI received on 28.5.2025 |
| Appendix Ic | FI received on 11.6.2025 |
| Appendix II | Previous and similar applications |
| Appendix III | Government departments' general comments |
| Appendix IV | Recommended advisory clauses |
| Appendix V | Public comments |
| Drawing A-1 | Site layout plan |
| Drawing A-2 | Land filling plan |
| Plan A-1 | Location plan |
| Plan A-2 | Site plan |
| Plan A-3 | Aerial photo |
| Plan A-4 | Site photos |

**PLANNING DEPARTMENT
AUGUST 2025**