

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/808

- Applicant** : Kingsford Environmental (Hong Kong) Limited represented by M&D Planning and Construction Consultant Limited
- Site** : Lot 37 in D.D.77, Ta Kwu Ling, New Territories
- Site Area** : About 839.5m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP)
No. S/NE-TKL/14
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) and Associated Filling of Land for a Period of Three 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 of land for a period of three years at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’, which is a Column 2 use, and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently vacant and covered with vegetation.
- 1.2 The Site is accessible via a strip of land leading to Ping Yuen Road (**Plan A-1**). According to the applicant, the proposed use involves a farming area of about 408.9m² for cultivation of vegetables and fruits by visitors and a hydroponics area of about 176.7m² which will be covered by a movable sunshade for the applicant’s planting of flowers for the enjoyment of the visitors, resulting in a total area of about 585.6m² (about 69.8% of the Site) for farming activities. In addition, the proposed use involves three single-storey structures (including two converted containers) with a total floor area of about 105.06m² and a height of 2.6 to 3.5m for a sunshade canopy, a storeroom for crops and equipment, and reception/ office/ washroom. No parking space or loading/ unloading bay is proposed. About 20 visitors per day are anticipated and 5 staff will be working at the Site. Visitors could either rent a patch of farmland or pay an entrance fee to use the farm. The proposed operation hours are between 9:00 a.m. and 6:00 p.m. daily, including Sundays and public holidays. No public announcement system, loudspeaker or any form of audio amplification system

will be used at the Site. The existing trees at the Site will be retained. The applicant also applies for filling of land at part of the Site (about 277.6m² or 33.1% of the Site) with light weight concrete of not more than 0.2m in depth to provide a stable and safe surface for the hydroponics area and structures. The proposed area of hard-paving has already been kept to minimal. The fill material will be removed and the Site will be reinstated upon expiry of the planning permission. Besides, the applicant will replace the soil at the cultivation area with new soil with a depth of not more than 1m, which will be the same as the current level.¹ The layout plan, filling of land plan and fire service installations (FSIs) plan submitted by the applicant are shown in **Drawings A-1** to **A-3** respectively.

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

- | | | |
|-----|---|------------------------|
| (a) | Application Form with attachments received on 16.7.2025 | (Appendix I) |
| (b) | Further Information (FI) received on 22.8.2025* | (Appendix Ia) |
| (c) | FI received on 25.8.2025* | (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 in the Application Form and FIs at **Appendices I** to **Ib**, as summarised below:

- (a) the proposed use is a Column 2 use in the “AGR” zone of the OZP and therefore does not contravene the planning intention of the “AGR” zone;
- (b) the proposed use fully utilises the resources of the rural environment and agricultural land, which allows visitors access fresh and high quality produce, the natural environment and farming experience. On-site staff will provide assistance and farming knowledge to visitors; and
- (c) the nature, arrangement and layout of the proposed use are compatible with the surrounding environment. No vehicles will enter or park at the Site. Visitors are expected to use public transport to reach the Site. Drainage facilities will be provided at the Site. No adverse landscape, traffic, drainage or noise impacts are expected.

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

The applicant is the sole “current land owner”. 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.

¹ According to the Notes of the OZP, no planning permission from the Board is required for filling of land for laying of soil not exceeding 1.2m in thickness for cultivation within the “AGR” zone.

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Applications

- 6.1 There are two similar applications (No. A/NE-TKL/661 and 741) involving the same site for proposed temporary place of recreation, sports or culture (hobby farm) within the same “AGR” zone in the vicinity of the Site in the past five years. They were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 10.9.2021 and 16.2.2024 respectively mainly on the considerations that the proposed use was not in conflict with the planning intention of the “AGR” zone; it was not entirely incompatible with the surrounding land uses; and no major adverse departmental comments were received on the application or the concerns of the relevant government departments could be addressed through imposition of approval conditions.
- 6.2 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) vacant and covered with vegetation; and
 - (b) accessible via a strip of land leading to Ping Yuen Road.
- 7.2 The surrounding areas are of rural character comprising mainly domestic structures, fallow agricultural land, warehouse and open storage yards. The ex-Ping Yeung Public School which falls within the “Government, Institution or Community” zone is located to the further south.

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, 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 are provided at **Appendices III** and **IV** respectively.

10. Public Comments Received During Statutory Publication Period

On 22.7.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix V**). One comment from Kadoorie Farm & Botanic Garden Corporation suggests the Board to investigate the type of fill material involved in the proposal; if the proposed filling of land will affect the arability of the Site; and whether the fill material will be removed when the planning permission is no longer valid. Another comment from an individual objects to the application mainly on the grounds that land filling at part of the Site will render it unable to grow crops in future; and the Site may be converted to brownfield use. The remaining comment from a member of the North District Council indicates no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP. While the proposed use is not entirely in line with the planning intention of the “AGR” zone, according to the applicant, about 585.6m² (or about 69.8%) of the Site will be used for farming activities and the Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural perspective. 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 three years.
- 11.2 The application involves filling of land at part of the Site (about 277.6m² or 33.1%) with light weight concrete of not more than 0.2m in depth to provide a stable and safe surface for the hydroponics area and structures. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental 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 Site is located in an area of rural character comprising mainly domestic structures, fallow agricultural land, warehouse and open storage yards. The proposed use is considered not entirely incompatible with the surrounding environment. The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application from the landscape planning perspective.
- 11.4 Other relevant departments consulted including the Commissioner for Transport, Director of Fire Services and Chief Engineer/Construction of Water Supplies Department have no objection to/ no adverse comment on the application. Should the application be approved, the applicant will be advised to follow the environmental mitigation measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’, and to restrict the use of public announcement system, loudspeaker or any form of audio amplification system within the Site to minimise any possible environmental nuisance. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below.

- 11.5 There are two similar applications 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 as mentioned in paragraph 6.1. The planning circumstances of the current application are similar to those of the approved similar applications. As such, approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments as detailed in paragraph 10 above, the 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 above, 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 3 years until 5.9.2028. 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 5.3.2026;
- (b) in relation to (a) above, the provision of drainage facilities 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 5.6.2026;
- (c) in relation to (b) above, the implemented drainage facilities 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 5.3.2026;
- (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 5.6.2026;
- (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 expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving, 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

Appendix I	Application Form with attachments received on 16.7.2025
Appendix Ia	FI received on 22.8.2025
Appendix Ib	FI received on 25.8.2025
Appendix II	Government Departments' General Comments
Appendix III	Similar Applications
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Filling of Land Plan
Drawing A-3	Proposed FSIs Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos