

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/840

<u>Applicant</u>	: Ms. TING Tze Yan represented by Innovative Land Use Planning Consultancy Co. Ltd.
<u>Site</u>	: Various Lots in D.D. 17 and Adjoining Government Land (GL), Ting Kok, Tai Po, New Territories
<u>Site Area</u>	: About 5,952m ² (including GL of about 250m ² or about 4.2% of the Site)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<u>Zoning</u>	: “Green Belt” (“GB”)
<u>Application</u>	: Filling and Excavation of Land for Permitted Agricultural Use

1. The Proposal

- 1.1 The applicant seeks planning permission for filling and excavation of land for permitted agricultural use at the application site (the Site) falling within an area zoned “GB” on the OZP (**Plan A-1**). According to the Notes of the OZP, while ‘Agricultural Use’ is a Column 1 use within the “GB” zone which is always permitted, filling and excavation of land within the said zone require planning permission from the Town Planning Board (the Board). The Site is currently occupied by agricultural use with ancillary structures (**Plans A-4a to A-4c**), in which majority of the Site is covered by two existing farms¹ operated under the “Agri enJoy” Scheme launched by the Agriculture, Fisheries and Conservation Department (AFCD)².

¹ The two farms are known as “Little Bee Farm (小蜜蜂有機農場)” and “Fai Kit Organic Farm (暉傑有機農場)” (**Plans A-2 and A-3**).

² AFCD has launched the “Agri enJoy” Scheme (「農+樂」農場計劃) in June 2024 to enable farms engaged in commercial agricultural production to offer agriculture-related activities as their ancillary businesses, so as to increase farmers’ income, promote their agricultural products, as well as provide members of the public with chances to experience and learn more about agricultural production. Under the Scheme, the following agriculture-related ancillary activities are permitted: (i) provision of “pick-your-own crops” activity; (ii) on-farm sale of self-grown crops; (iii) preparation of light meals with self-grown crops and non-flame cooking; and (iv) provision of on-farm activities (such as guided tours, farming experiences or workshops) which aim at promoting self-grown agricultural products or farming education.

- 1.2 The Site is accessible via a local track leading to Ting Kok Road (**Plan A-1**). According to the applicant, the application involves a total land filling area of about 1,400m² (about 23.5% of the Site) and a total land excavation area of about 67.5m² (about 1.1% of the Site) (**Drawing A-1**). To upgrade the existing farms at the Site for farming educational purpose, the details of filling and excavation of land are summarised below:

	Filling of Land	Excavation of Land
Proposed Works	About 1,356m ² with concrete by not more than 0.2m in depth for site formation of five proposed single-storey structures ³ and connecting footpaths	About 23.5m ² by not more than 1.8m in depth for the proposed five septic tanks associated with the said five structures
Regularisation	About 44m ² with concrete by not more than 0.2m in depth for the filled land of existing fish pond	About 44m ² by not more than 4m in depth for the excavated land of existing fish pond
Total	About 1,400m ²	About 67.5m ²

Upon completion of upgrading works, the farms will comprise a total of 23 structures with a total floor area of 1,732.4m² and heights of not more than 4m for greenhouses, storage, mobile toilets, visitor and meeting centres and living hut for workers. Also, while no parking spaces will be provided, a loading/unloading area will be provided at the entrance of the Site (**Drawing A-2**). The land filling and excavation plan and the layout plan submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively.

- 1.3 In support of the application, the applicant has submitted the following documents :
- (a) Application Form and Supplementary Information (SI) received on 29.7.2025 and 31.7.2025 respectively (**Appendix I**)
 - (b) Supporting Planning Statement (SPS) and SI received on 29.7.2025 and 31.7.2025 respectively (**Appendix Ia**)
 - (c) Further Information (FI) received on 11.8.2025* (**Appendix Ib**)
 - (d) FI received on 26.8.2025 and 27.8.2025* (**Appendix Ic**)
 - (e) FI received on 1.9.2025* (**Appendix Id**)
 - (f) FI received on 5.9.2025* (**Appendix Ie**)
 - (g) FI received on 12.9.2025* (**Appendix If**)

**accepted and exempted from publication and recounting requirements*

³ The five proposed single-storey structures include two visitor centres, two meeting centres and a living hut (about 836m²), accounting for about 14% of the Site.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SPS, SIs and FIs at **Appendices I to If**, as summarised below:

- (a) the Site is currently occupied by two existing farms with certifications related to organic farm/crop production and “Agri enJoy” Scheme. The proposed upgrading works are intended to facilitate farming education by allowing visitors from school and private organisations to visit by appointment;
- (b) there will be one session of two-hour tour visit in the morning and afternoon respectively during weekdays and weekends, in which the number of visitors per session will be limited to 20 persons with 2 to 3 tour staff. No night-time visit will be allowed;
- (c) the existing structures which do not tally with the proposed scheme will be removed, and applications of Short Term Waiver and Letter of Approval for agricultural structures to the Lands Department (LandsD) will be made with respect to the proposed structures under the proposed scheme. Building structures of the proposed visitor/meeting centres and living hut will be temporary in nature;
- (d) no adverse traffic impact is anticipated. Given no parking facilities will be provided within the Site, visitors could rely on public transportation at Ting Kok Road or drop off/pick up at the public car parks at Tai Po Lung Mei Beach and Tai Mei Tuk Road, and then reach the Site by walking;
- (e) the planning intention of the “GB” zone will not be jeopardised. No tree felling will be involved under the application. Also, no environmental impact is anticipated. No portable loudspeaker or any form of audio amplification system will be used, while all environmental protection/pollution ordinances will be complied at all times. The proposed mobile toilets and septic tanks will follow the requirements by the Food and Environmental Hygiene Department and Environmental Protection Department; and
- (f) a drainage proposal is submitted by the applicant (**Appendix Id**) to demonstrate that the agricultural use with filling and excavation of land will not cause adverse drainage impact to the adjacent area. Also, noting that there are existing water mains within the Site, the applicant will divert the water mains if they are affected by the proposed structures, subject to detailed land survey. A fire service installations proposal will be submitted to the satisfaction of the Fire Services Department or the Board.

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. 31B) by posting site notice and sending notice to Tai Po District Rural Committee. Detailed information would be deposited at the meeting for Members’

inspection. For the GL portions within the Site, “Owner’s Consent/Notification” Requirements are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) is relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

5. Background

The Site is currently not subject to any active planning enforcement action.

6. Previous Application

The Site is not the subject of any previous application.

7. Similar Application

There is no similar application for filling and excavation of land for permitted agricultural use within the same “GB” zone in the vicinity of the Site.

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

8.1 The Site is:

- (a) currently occupied by agricultural use with ancillary structures (**Plans A-4a to A-4c**), in which majority of the Site is covered by two existing farms operated under the “Agri enJoy” Scheme by AFCD;
- (b) situated near the eastern fringe of Lo Tsz Tin Village (**Plans A-1 and A-2**); and
- (c) accessible via a local track leading to Ting Kok Road (**Plan A-1**).

8.2 The surrounding areas are predominantly rural in character with active and fallow agricultural land, vegetated areas, dense woodland, village houses and permitted burial grounds (**Plans A-2 and A-3**). To its immediate west and east are active and fallow agricultural land and vegetated areas. About 15m to its west is the village proper of Lo Tsz Tin (**Plans A-1 and A-2**). To the further east and south are dense woodland and permitted burial grounds (**Plans A-2 and A-3**).

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 As filling and excavation of land within the “GB” zone may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

10. Comments from Relevant Government Departments

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

Land Administration

- 10.1.1 Comments of the District Lands Officer/Tai Po, LandsD (DLO/TP, LandsD):

- (a) he has objection to the application;
- (b) the Site consists of 30 private lots (i.e. Lots 1539, 1541, 1543, 1544, 1517 (part), 1518 (part), 1535 (part), 1536 (part), 1538 (part), 1540 (part), 1542 RP (part), 1545 (part), 1553 (part), 1554 (part), 1571 S.A (part), 1571 S.B (part), 1574 (part), 1575 (part), 1576 (part), 1577 (part), 1578 (part), 1579 (part), 1580 (part), 1581 (part), 1582 (part), 1584 (part), 1585 (part), 1586 (part), 1587 (part), 1588 (part) all in D.D. 17) and adjoining GL. All the lots are Old Schedule Agricultural Lots held under the Block Government Lease demised for agricultural purpose which contain the restriction that no structures are allowed to be erected without the prior approval of the Government. Part of the Site is at unleased and unallocated GL in D.D. 17, neither occupation nor works of any kind thereon is allowed without the prior approval from LandsD;
- (c) no Letter of Approval has been granted to the Site;
- (d) according to the information provided by the applicant and site inspection record, several temporary structures not covered by Modification of Tenancy, Letter of Approval, Short Term Waiver and Squatter Control Surveyed Record straddling on Lots 1517, 1518, 1542 RP, 1543, 1544 and adjoining GL, 1541, 1538, 1539, 1574, 1577, 1576, 1578, 1579, 1580, 1554 and adjoining GL all in D.D. 17 (subject to survey) are detected. The Government reserves the right to take appropriate actions if the registered owner(s) of Lots 1517, 1518, 1542 RP, 1543, 1544, 1541, 1538, 1539, 1574, 1577, 1576, 1578, 1579, 1580 and 1554 all in D.D. 17 fail to comply with the conditions of the land lease. The applicant is required to clarify this issue;
- (e) LandsD has reservation on the application since there are unauthorized building works and/or uses on the lot(s) which are

already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/regularise the lease breaches as demanded by LandsD; and

- (f) his advisory comments are at **Appendix III**.

Agriculture

10.1.2 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) given that the Site falls within the “GB” zone with part of the Site under active cultivation and abandoned land with potential for agricultural rehabilitation, he has no comment on the application from agricultural perspective on the understanding that the majority of the Site is used for agricultural purpose;
- (b) no Letter of Approval application at the Site has been received;
- (c) under the “Agri enJoy” Scheme, there are two participating farms located within the Site, i.e. “Little Bee Farm (小蜜蜂有機農場)” and “Fai Kit Organic Farm (暉傑有機農場)” (**Plans A-2 and A-3**);
- (d) according to the information provided by the applicant, he does not observe any violations of the said two farms against the “Agri enJoy” Scheme eligibility criteria⁴; and
- (e) his advisory comments are at **Appendix III**.

Nature Conservation

10.1.3 Comments of DAFC:

- noting that the Site is zoned “GB” on the OZP and consists of active farms and abandoned fields, he has no comment on the application from nature conservation perspective.

Landscape

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

- (a) she has no adverse comment on the application from landscape planning perspective, as the applicant states that no tree felling is proposed, while all trees within the Site will be retained and there is no negative impact on any existing trees;

⁴ The “Agri enJoy” Scheme eligibility criteria include: (i) the farm must actively engaged in production of crops on a commercial scale, and meet the specific requirement on farm area (i.e. the production area should not be smaller than 3 *dau chung* (equivalent to 2,023 m² or 21,780 ft²); and (ii) the farm must fulfil the requirement on maximum area of ancillary activities (i.e. the area allocated for all ancillary activities does not exceed 20% of the total area of the farm).

- (b) based on the recent site photos, the Site is occupied by farms with multiple greenhouses and vegetated area. Based on the aerial photo of 2025, the Site is situated in an area of rural coastal plains landscapes character comprising temporary structures, greenhouses, vegetated area and clusters of trees. The agricultural use with filling and excavation of land is considered not entirely incompatible with the landscape character of its surroundings; and
- (c) her advisory comments are at **Appendix III**.

Traffic

10.1.5 Comments of the Commissioner for Transport (C for T):

- (a) she has no in-principle objection to the application from traffic engineering viewpoint;
- (b) the village access road and village areas are not under the Transport Department's management; and
- (c) her advisory comments are at **Appendix III**.

Environment

10.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) he has no objection to the application from environmental planning perspective, noting that heavy vehicles and dusty operation will not be involved under the application;
- (b) no environmental complaint in relation to the Site was received in the past three years; and
- (c) his advisory comments are at **Appendix III**.

Drainage

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

- (a) approval condition(s) on submission and implementation of drainage proposal for the Site are recommended to ensure that it will no cause adverse drainage impact to the adjacent areas;
- (b) her advisory comments are at **Appendix III**.

Water Supplies

10.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no objection to the application; and
- (b) his advisory comments are at **Appendix III**.

Geotechnical

10.1.9 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) his office was informed that large scale of land filling works were observed within the Site in 2016; and
- (b) in order to ensure that the agricultural use with filling and excavation of land would not affect or be affected by adjacent fill slope(s), it is considered necessary to conduct an investigation to delineate the scale and extent of the slope works and to implement necessary remedial works. Hence, approval condition(s) requiring the applicant to submit a geotechnical investigation report and the implementation of the necessary geotechnical remedial works identified therein are recommended.

Fire Safety

10.1.10 Comments of the Director of Fire Services (D of FS):

- (a) he has no in-principle objection to the application; and
- (b) his advisory comments are at **Appendix III**.

Building Matters

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

- (a) he has no objection to the application;
- (b) there is no record of approval granted by the Building Authority (BA) for the existing structure at the Site;
- (c) it is noted that there are structures proposed in the application, before any new building works (including containers / open sheds as temporary buildings and demolition, etc.) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (d) site formation works are building works under the control of the BO. Before the proposed filling of land is to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be

appointed as the co-ordinator for the proposed site formation in accordance with the BO; and

(e) his advisory comments are at **Appendix III**.

10.2 The following government departments have no objection to or no comment on the application:

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD); and
- (c) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD).

11. Public Comments Received During Statutory Publication Period

On 5.8.2025, the application was published for public inspection. During the statutory public inspection period, five public comments from individuals were received (**Appendix IV**). Four comments support the application mainly for the reasons of advocating farming uses and production of organic food in Hong Kong; suitable location within “GB” zone for agricultural use; addressing the difficulties in operation and financing of the farm; and no traffic impact and environmental impact (e.g. noise and air pollutions). The remaining comment objects to the application mainly for the reasons of extensive excavation and filling of land; unacceptable size and number of buildings; limited areas devoted to farming; and legal, hygiene and water supplies concerns due to workers living on site.

12. Planning Considerations and Assessments

12.1 The application is for filling and excavation of land for permitted agricultural use at the Site zoned “GB” on the OZP (**Plan A-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. While ‘Agricultural Use’ is always permitted within the “GB” zone, filling and excavation of land within the said zone require planning permission as such activities may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment.

12.2 The application involves a total land filling area of about 1,400m² (about 23.5% of the Site) and a total land excavation area of about 67m² (about 1.1% of the Site) (**Drawing A-1**). To upgrade the existing two farms at the Site operated under the “Agri enJoy” Scheme” launched by AFCD for farming educational purpose, the proposed filling of land will be for site formation of structures and footpaths, while the proposed excavation of land will be for the provision of five associated septic tanks. The application is also to regularise the excavated and backfilled land for the existing fish pond. DAFC has no comment on the application from agricultural perspective on the understanding that the majority of the Site is used for agricultural purpose. He does not observe any violations of the said two farms against the “Agri enJoy” Scheme eligibility criteria. DEP and CE/MN, DSD have

no objection to or adverse comment on the application from environmental planning and public drainage perspectives.

- 12.3 The Site is located near the eastern fringe Lo Tsz Tin Village, currently occupied by agricultural use with ancillary structures (**Plans A-4a to A-4c**), in which majority of the Site is covered by the two existing farms. According to TPB PG-No. 10, the design and layout of any proposed development within “GB” zone should be compatible with the surrounding areas, and should not involve extensive clearance of natural vegetation nor affect the existing natural landscape. The agricultural use with filling and excavation of land is not incompatible with the surrounding area which is predominantly rural in character comprising active and fallow agricultural land, vegetated areas, dense woodland, village houses and permitted burial grounds (**Plans A-2 and A-3**). CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective, as the applicant states that no tree felling is proposed, while all trees within the Site will be retained and there is no negative impact on any existing trees. The current application is generally in line with TPB-PG No. 10. Regarding DLO/TP, LandsD’s concern on the unauthorised structures erected within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. Other relevant government departments, including C for T, CE/C, WSD and D of FS, have no objection to or no adverse comment on the application. For H(GEO), CEDD’s concern on the slope safety, approval conditions requiring the applicant to submit a geotechnical investigation report and the implementation of the necessary geotechnical remedial works identified therein are recommended.
- 12.4 The land filling and excavation works under application are considered reasonable in size and scale which are solely for permitted agricultural use on the Site, and that approving the application would facilitate regularisation of filling and excavation of land for the existing fish pond by putting it under proper control and monitoring through imposition of planning conditions to ensure that no adverse impact would be caused in the locality. Taking into account the above, approving the current application will unlikely set an undesirable precedent for similar applications in the area. There are special circumstances that warrant sympathetic consideration to the application.
- 12.5 Regarding the public comments as detailed in paragraph 11 above, the government departments’ comments and planning assessments above 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 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 until 19.9.2029, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following approval conditions and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission of a revised drainage proposal before commencement of the land filling and excavation works on the Site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) in relation to (a) above, the implementation of the revised drainage proposal upon completion of the land filling and excavation works on the Site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the submission of a geotechnical investigation report before commencement of the land filling and excavation works on the Site to the satisfaction of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department or of the Town Planning Board;
- (d) in relation to (c) above, the implementation of necessary geotechnical remedial works identified therein upon completion of the land filling and excavation works on the Site to the satisfaction of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department or of the Town Planning Board;
- (e) if any of the above planning condition (a) or (c) is not complied with before commencement of the land filling and excavation works on the Site, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (f) if any of the above planning condition (b) or (d) is not complied with upon completion of the land filling and excavation works on the Site, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory Clauses

The Recommended Advisory Clauses are at **Appendix III**.

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

the filling and excavation of land are not in line with the planning intention of the "GB" zone, which 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. There is no strong planning justification in the submission for filling and excavation of land of the area for agricultural purpose.

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 date when the validity of the permission should expire.
- 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 SI received on 29.7.2025 and 31.7.2025 respectively
Appendix Ia	SPS and SI received on 29.7.2025 and 31.7.2025 respectively
Appendix Ib	FI received on 11.8.2025
Appendix Ic	FI received on 26.8.2025 and 27.8.2025
Appendix Id	FI received on 1.9.2025
Appendix Ie	FI received on 5.9.2025
Appendix If	FI received on 12.9.2025
Appendix II	Relevant Extracts of TPB PG-No. 10
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments
Drawing A-1	Land Filling and Excavation Plan submitted by the Applicant
Drawing A-2	Layout Plan submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**