

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

**APPLICATION NO. A/NE-KTS/563**

- Applicant** : 孖寶休閒農莊
- Site** : Lots 3335 S.AW, 3335 S.AX, 3335 S.AY ss.1, 3335 S.AZ ss.1, 3335 S.BG ss.1 (Part), 3335 S.BH ss.1 (Part), 3335 S.BI ss.1 (Part), 3335 S.BJ ss.1 (Part), 3335 S.BJ RP (Part), 3335 S.BM ss.1, 3335 S.BM ss.2, 3335 S.BM ss.3 and 3335 S.BM ss.4 in D.D. 91, Lin Tong Mei, Kwu Tung South, New Territories
- Site Area** : About 1,869m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : Approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/22
- Zonings** : “Village Type Development Area” (“V”) (about 57% of the Site)  
“Green Belt” (“GB”) (about 43% of the Site)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) and Associated Filling of Land for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary place of recreation, sports or culture (hobby farm) with associated filling of land for a period of five years at the application site (the Site), which falls within an area zoned partly “V” (about 57%) and partly “GB” (about 43%) on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture’, which is a Column 2 use for the “V” and “GB” zones, and filling of land within “GB” zone require permission from the Town Planning Board (the Board). The Site is partly fenced and vacant, with the eastern portion mainly hard-paved with some trees, and the western portion covered mainly by trees and section of a local track.
- 1.2 The Site is accessible from Fan Kam Road via a local track, with the proposed ingress/egress of about 8m wide at the eastern tip of the Site which could also serve as emergency vehicular access (**Plans A-1 to A-3**). According to the applicant, the proposed use comprises a farming area of about 1,276m<sup>2</sup> (about 68.27% of the Site)

and an open area of about 593m<sup>2</sup> (about 31.73% of the Site) to serve as activity space and manoeuvring space of vehicles. No erection of structures and no tree felling at the Site will be involved. Four private car parking spaces and one loading/unloading space will be provided on site (**Drawing A-1**). Visitors will be required to make appointment in advance, and only those who have reserved car parking spaces in advance will be allowed to park on site. The operation hours will be from 9:00 a.m. to 7:00 p.m. daily, including public holidays. A maximum of 20 visitors and six staff members could be accommodated at the Site per day. No workshop or polluting activities will be carried out, and no public announcement system, whistle blowing, portable loud speaker, or any form of audio amplification system will be used within the Site at all times. The applicant also applies for regularisation of filling of land for the open area (i.e. about 593m<sup>2</sup> or 31.73% of the Site which falls mainly within the “GB” zone) with concrete of not more than 0.2m in depth (raising the site level from 31.7mPD to 31.9mPD) for provision of activity space and manoeuvring space of vehicles (**Drawing A-2**) to meet the operational needs. No additional land filling will be carried out at the Site. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

1.3 The Site is the subject of a previous application (No. A/NE-KTS/492) submitted by the same applicant as the current application for the same use (**Plan A-1**), which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 (details at paragraph 6 below). The planning permission was subsequently revoked in 2024 due to non-compliance with approval condition. Comparing with the previous application, the current application involves the same extent of filling of land and increase in farming area from about 982m<sup>2</sup> (52% of the Site) to about 1,276m<sup>2</sup> (68.27% of the Site), and omission of three single-storey structures.

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

- (a) Application Form with Supplementary Information received on 18.8.2025 and 22.8.2025 respectively (**Appendix I**)
- (b) Further Information (FI) received on 22.9.2025\* (**Appendix Ia**)
- (c) FI received on 3.10.2025 and 6.10.2025\* (**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**. They can be summarised as follows:

- (a) The proposed use is a passive form of recreation use for public, including local residents, to experience and enjoy farming activities. It will not frustrate the planning intention of “GB” zone, and is compatible with the surrounding environment of the Site;

- (b) Existing trees at the Site will be preserved and no tree felling would be involved. The applied filling of land with concrete could provide solid ground for manoeuvring of vehicles and allowing more activity space. The land filling at the Site has already been in place for several years. No additional land filling will be carried out at the Site;
- (c) The Site is subject to a previously approved application (No. A/NE-KTS/492) which involved erection of three single-storey structures (each with size of 54m<sup>2</sup> and height of 4.2m) at the Site. A Short Term Waiver (STW) application for erection of the proposed structures was rejected by Lands Department (LandsD) in 2023 and hence the applicant could not comply with the approval condition on implementation of fire services installations (FSIs) proposal within the required period. The approval condition on the submission and implementation of the drainage proposal has been complied with. While no structures are proposed under the current application, the applicant has submitted drainage proposal and FSIs proposal to support the current application. Should the current application be approved, the applicant would comply with all approval conditions, including submission and implementation of FSIs proposal; and
- (d) Four private car parking spaces are provided for visitors with booking in advance. The loading/unloading space is only to be used by staff for restocking of goods at the Site. Sufficient space is provided for manoeuvring of vehicles within the Site. Staff will monitor the traffic condition to ensure pedestrian safety. No vehicle is allowed to queue back to or reverse onto/from the Site to the public road. The proposed use will not create significantly adverse traffic, environmental, landscape and drainage impacts to the surrounding areas.

### **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 Sheung Shui District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

The Site partly falls within the “GB” zone. The Town Planning Board Guidelines for Application for Development within 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 detailed at **Appendix II**.

## 5. **Background**

Part of the Site is subject to active planning enforcement action against unauthorized development (UD) (No. E/NE-KTS/320) involving use for place for parking of vehicles. Enforcement Notice was issued on 23.6.2025 requiring the discontinuation of the UD by 23.8.2025. Recent inspection revealed that the UD was discontinued. The case is currently under monitoring.

## 6. **Previous Application**

The Site is the subject of a previous application (No. A/NE-KTS/492) for the same use for a period of five years with filling of land at the same site submitted by the same applicant as the current application. The application was approved with conditions by the Committee on 12.3.2021 mainly on the considerations that temporary approval would not frustrate the long-term planning intentions of the concerned “GB” and “V” zones; the development was not entirely incompatible with the surrounding areas; and the development would unlikely cause significantly adverse impacts to the surroundings; the proposed use did not contravene TPB PG-No. 10; 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 on 12.8.2024 due to non-compliance with the approval condition on implementation of FSIs proposal. Comparing with the previous application (No. A/NE-KTS/492), the current application involves changes as mentioned in paragraph 1.3 above. Details of the previous application are summarised at **Appendix III** and the location is shown on **Plan A-1**.

## 7. **Similar Application**

There is no similar application within the same “V” and “GB” zones on the OZP.

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

### 8.1 The Site is:

- (a) partly fenced and vacant, with the eastern portion mainly hard-paved with some trees, and the western portion covered mainly by trees and section of a local track; and
- (b) accessible via a local access connecting to Fan Kam Road.

### 8.2 The surrounding areas are rural in character with mainly storage yards, warehouse, residential dwellings including the village settlement of Lin Tong Mei, a restaurant, vacant land and tree clusters.

## **9. Planning Intentions**

- 9.1 The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.
- 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 for the “GB” zone, as filling of land may cause adverse drainage impact 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 Apart from the government departments as set out in paragraph 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 in the Recommended Advisory Clauses, if any, 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/North, Lands Department (DLO/N, LandsD):
- (i) he has adverse comment on the application;
  - (ii) 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. No right of access via Government Land is granted to the Site;
  - (iii) it is noted that no structure is proposed in the planning application. However, there is an unauthorised structure extended from adjoining private Lot No. 3335 S.U ss. 1 to parts of the application Lots;

- (iv) the following irregularity not covered by the subject planning application has been detected by his office:

Unauthorised structure extended from adjoining private lot not covered by the planning application

there is an unauthorised structure extended from adjoining private lot to the application Lot Nos. 3335 S.BG ss. 1, 3335 S.BH ss.1, 3335 S.BI ss. 1, 3335 S.BJ ss. 1 and 3335 S.BJ RP in D.D. 91 not covered by the subject planning application. The lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (v) there are four Small House (SH) applications under processing within the Site and no SH applications have been approved for the Site; and
- (vi) advisory comments are at **Appendix V**.

## **11. Public Comments Received During Statutory Publication Period**

On 26.8.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received, including one from a North District Council Member indicating no comment on the application and one from an individual raising concern on the filling of land and casting doubts on the implementation of relevant approval conditions should the application be approved (**Appendix VI**).

## **12. Planning Considerations and Assessments**

- 12.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) and associated filling of land for a period of five years at the Site partly zoned “V” (about 57%) and partly zoned “GB” (about 43%) (**Plan A-1**). According to the applicant, the proposed use is a passive form of recreation use for public, including local residents, to experience and enjoy farming activities. Whilst the proposed use is not in line with the planning intentions of “V” and “GB” zones, the Director of Agriculture, Fisheries and Conservation (DAFC) has no adverse comment on the application from nature conservation point of view. While DLO/N of LandsD advises that there are four SH applications under processing within the Site, no SH applications have been approved for the Site. Approval of the application on a temporary basis will not jeopardise the long-term planning intentions for the Site. In view of the above and taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of five years.
- 12.2 Filling of land at the “GB” zone requires planning permission from the Board as it may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment. In this regard, the Chief Engineer/Mainland North of Drainage

Services Department (CE/MN, DSD), Director of Environmental Protection and DAFC have no objection to the application from drainage, environmental and nature conservation perspectives respectively. As part of the Site is zoned “GB”, an approval condition requiring the reinstatement of the relevant part of the Site upon expiry of the planning permission so as to uphold the planning intention of “GB” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

- 12.3 The proposed use is considered not incompatible with the surrounding areas, which are rural in character with mainly storage yards, warehouse, residential dwellings including the village settlement of Lin Tong Mei, a restaurant, vacant land and tree clusters (**Plans A-2 and A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) has no adverse comment on the application from landscape planning perspective as the proposed use is considered not incompatible with the landscape setting in the proximity and significant adverse landscape impact within the Site from the proposed use is not anticipated.
- 12.4 Regarding DLO/N of LandsD’s concern on the unauthorised structure extended from adjoining private lot not covered by the planning application, the applicant will be advised to liaise with LandsD on this land administration matter should the Committee approve the application. All other relevant government departments consulted, including the Commissioner for Transport, CE/MN, DSD 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 government departments, appropriate approval conditions are recommended in paragraph 13.2 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 to the surrounding areas.
- 12.5 According to TPB PG-No. 10, passive recreational uses which are compatible with the character of the surrounding areas may be given sympathetic consideration. Besides, any development within “GB” zone should be compatible with the surrounding areas and should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape, and the development itself should not be the source of pollution. As mentioned in paragraph 12.1 above, the proposed use with a farming area of about 1,276m<sup>2</sup> (about 68.27% of the Site) is a passive form of recreation use for public enjoyment. In addition, as mentioned in paragraphs 12.1 to 12.4 above, the proposed use is considered not incompatible with the surrounding areas; no adverse impacts arising from the proposed use are envisaged; and all government departments consulted have no objection to or no adverse comment on the application. As such, the application can be considered generally in line with TPB PG-No. 10.
- 12.6 The Site is the subject of an approved previous application (No. A/NE-KTS/492) for the same use with a slightly different layout submitted by the same applicant as the

current application. The planning permission was revoked due to the non-compliance with the approval condition on the implementation of FSIs proposal as the applicant failed to obtain LandsD's approval of STW for erection of the proposed structures under the previous application. While no structures are proposed to be erected under the current application, the applicant has submitted drainage and FSIs proposals in support of the current application. CE/MN, DSD and D of FS have no objection to or no adverse comment on the application. In this regard, sympathetic consideration may be given to the current application. Should the Committee decide to approve the application, the applicant will be advised that if they fail to comply with any of the approval conditions again and resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.

- 12.7 Regarding the public comments mentioned in paragraph 11 above, the departmental 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 mentioned in paragraph 11 above, PlanD 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 five years until 10.10.2030. The following condition of approval and advisory clauses are also suggested for Members' reference:

#### Approval Conditions

- (a) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) if the above planning condition (a) 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; and
- (c) upon expiry of the planning permission, the reinstatement of the part of the site zoned "Green Belt", 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 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 of land is 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 and there is a general presumption against development within this zone. It is also not in line with the planning intention of the “V” zone which is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intentions, 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**

<b>Appendix I</b>	Application Form with attachments received on 18.8.2025 and 22.8.2025
<b>Appendix Ia</b>	FI received on 22.9.2025
<b>Appendix Ib</b>	FI received on 3.10.2025 and 6.10.2025
<b>Appendix II</b>	Extract of TPB PG-No. 10
<b>Appendix III</b>	Previous Application
<b>Appendix IV</b>	Government Departments’ General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Land Filling Plan
<b>Drawing A-3</b>	Drainage Proposal
<b>Drawing A-4</b>	FSIs Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos