

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1141

<u>Applicant</u>	: Mr. TANG Wai Ip represented by Mr. TANG Wing Yat Tommy
<u>Site</u>	: Lot 912 (Part) in D.D. 109, Kam Tin North, Yuen Long, New Territories
<u>Site Area</u>	: About 6,859.4m 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 occupied by active farmland and erected with some temporary structures in the north, partly vacant and covered by vegetation in the south with an existing pond on the southern boundary (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kong Tai Road via a local track (**Plans A-2 and A-3**). According to the applicant, the proposed use involves five single-storey structures with height of not more than 4m and a total floor area of about 144m² for ancillary lounge, office and storage. An area of about 4,759.4m² (69.4% of the Site) will be used for farming and the existing pond of about 143m² (2% of the Site) on the southern boundary will be retained for amenity purpose (**Drawing A-1**). The applicant also applies for proposed filling of land for about 1,957m² (28% of the Site) with soil and concrete of not more than 1m in depth (to a level of about 20.6mPD) for site formation and vehicular circulation (**Drawing A-2**). 10 parking spaces for private car and one loading/unloading space for light goods vehicle will be provided at the Site. The proposed use will accommodate a maximum of 75 visitors and four staff members per day. No public

announcement system, portable loudspeaker or any form of audio amplification system will be used at the Site. The proposed operation hours will be between 8:00 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 In support of the application, the applicant has submitted the following documents:

- (i) Application Form with attachments received on 8.7.2025 (**Appendix I**) and 14.7.2025
- (ii) Further Information (FI) received on 2.9.2025* (**Appendix Ia**)
* *accepted but not 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 FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) The temporary nature of the application would not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding areas and it can provide suitable space for agricultural activities for the public.
- (b) Visitors are required to make advance reservation to use the parking spaces proposed and sufficient space is allowed for vehicle manoeuvring at the Site. Infrequent trip generation is anticipated. The proposed use will not induce adverse environmental, traffic and drainage impacts on the surrounding areas. In support of the application, the applicant has submitted a drainage proposal.

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 Pat Heung 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.

5. **Previous Application**

There is no previous application at the Site.

6. **Similar Applications**

There are 12 similar applications for temporary hobby farm (including one renewal; seven with filling of land; and three also involving holiday camp or barbeque site uses) in the vicinity of the Site within or straddling the same “AGR” zone in the past five years. All these applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2020 and 2024 mainly on the considerations that the proposed/applied use on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone or the temporary use could be tolerated; the proposed/applied 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. 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 occupied by active farmland and erected with some temporary structures in the north, partly vacant and covered by vegetation in the south with an existing pond on the southern boundary; and
- (b) accessible from Kong Tai Road via a local track.

7.2 The surrounding areas are rural in character with an intermix of farmland, livestock farms, residential structures, open storage/storage yards, grassland and vacant land. An existing watercourse is to the west of the Site (**Plan A-2**).

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 at **Appendices III** and **IV** respectively.

10. **Public Comments Received During Statutory Publication Periods**

On 18.7.2025 and 12.9.2025, the application and FI were published for public inspection. During the statutory public inspection periods, a total of four public comments were received, including two from the Kadoorie Farm and Botanic Garden Corporation expressing concerns mainly on potential impacts on the Agricultural Priority Areas, and another two from the same individual objecting to the application mainly on the grounds that the proposed use is not genuinely for hobby farm and would be eventually altered for brownfield operations (**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 4,759.4m² (69.4%) 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 and Director of Environmental Protection have no objection to the application from 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 farmland, livestock farms, residential structures, open storage/storage yards, grassland 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, 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 There are 12 approved similar applications for temporary hobby farm within/straddling the same “AGR” zone in 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.
- 11.6 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 24.10.2030. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission of a revised 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 24.4.2026;
- (b) in relation to (a) above, the implementation of the revised 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 24.7.2026;
- (c) in relation 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 24.4.2026;
- (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 24.7.2026;
- (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 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

Appendix I	Application Form with attachments received on 8.7.2025 and 14.7.2025
Appendix Ia	FI received on 2.9.2025
Appendix II	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
OCTOBER 2025**