

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/53

- Applicant** : Goldlink Construction Engineering Limited represented by Allgain Land Planning Limited
- Site** : Lots 467 S.A (Part) and 468 in D.D. 90, Lin Ma Hang Road, Man Kam To, New Territories
- Site Area** : About 1,500m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : Approved Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/7 (currently in force)

Draft Man Kam To OZP No. S/NE-MKT/6 (at the time of submission)
- Zoning** : “Agriculture” (“AGR”)

[No change to the “AGR” zone under the current OZP]
- 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 for “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 requires planning permission from the Town Planning Board (the Board). The Site is currently fenced-off, partly hard-paved, partly covered with wild grasses and vegetation and occupied by some temporary structures with parking of some vehicles (**Plans A-4a** and **A-4b**).
- 1.2 The Site is abutting Lin Ma Hang Road to the immediate southeast (**Plan A-2**). According to the submission, the proposed use consists of a farming area with a total area of about 1,000m² (or about 66.7% of the Site) which will be divided into multiple sections for leasing, and five one-storey temporary structures with a total floor area of about 120m² and building height not exceeding 4m for an office, a reception, a storage room, a CCTV room and a shelter for parking. Two private car parking spaces (5m (L) x 2.5m (W) each)

are proposed within the Site. The Site would accommodate a maximum of 20 visitors per day and there will be two staff members working at the Site to support the hobby farm operation. The operation hours of the proposed use are between 9:00 a.m. and 6:00 p.m. from Mondays to Sundays including public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 According to the applicant, a 5m-wide ingress/egress is proposed at the southeast of the Site and sufficient space will be provided within the Site for manoeuvring of vehicles. A swept path analysis for private cars has been submitted in support of the application. According to the traffic management measures proposed by the applicant (**Appendices Ia and Ic**), an advance booking of parking spaces will be required to prevent illegal parking; and flashing lights and alarm system will be provided at the ingress/egress to ensure pedestrian safety. A staff will be deployed to instruct the vehicles entering the Site to ensure vehicle and pedestrian safety.
- 1.4 The applicant also applies for filling of land of about 500m² (or about 33.3% of the Site) with concrete by about 0.2m in depth for site formation for erection of temporary structures and provision of footpaths (**Drawing A-2**). The applicant will be responsible for the provision and maintenance of the proposed drainage facilities in accordance with the Drainage Services Department (DSD)'s requirements. In terms of sewage treatment, the applicant proposes that cleansing contractor will regular collect the sewage generated by portable toilets.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 23.9.2025 (**Appendix I**)
 - (b) Supplementary Planning Statement (SPS) (**Appendix Ia**)
 - (c) Further Information (FI) received on 28.10.2025* (**Appendix Ib**)
 - (d) FI received on 14.11.2025* (**Appendix Ic**)

** 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, SPS and FIs at **Appendices I to Ic**, as summarised below:

- (a) the proposed use is in line with the planning intention of the "AGR" zone which is for agricultural and recreational purposes and the Government's new agriculture policy to promote sustainable farming. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the "AGR" zone;
- (b) the proposed use involves only small-scale land filling for erection of structures and provision of footpaths. No tree felling is involved. No significant adverse impacts in terms of environmental, landscape, traffic, drainage, fire safety, etc. are anticipated;
- (c) the applicant will apply for a Short Term Waiver to permit the structures to be erected should the application be approved, and will reinstate the Site upon expiry of the planning permission; and

- (d) the applicant is currently liaising with potential tenants for leasing the farming area, including educational institutions and farm operators such as Green Union Organic Farm Limited and Thanks To Music Therapy & Development Centre Ltd.

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 notice near the Site and sending notice to the Ta Kwu Ling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is subject to an active planning enforcement action against unauthorized development (UD) involving storage use and filling of land (No. E/NE-MKT/48) (**Plan A-2**). An Enforcement Notice requiring discontinuation of the UD was issued on 26.8.2024. Subsequently, a Reinstatement Notice (RN) was issued on 31.3.2025 requiring reinstatement of the site (removal of the leftovers, debris and fill materials and grassing the site) and expired on 30.6.2025. As the Site has not been reinstated upon expiry of the RN, prosecution action is being considered.

5. **Previous Application**

The Site is not the subject of any previous application.

6. **Similar Application**

- 6.1 There was a similar application (No. A/NE-MKT/24) for temporary hobby farm within the same “AGR” zone in the vicinity of the Site in the past five years. The application for renewal of planning approval for hobby farm for a period of three years was approved by the Committee in March 2023 mainly on the consideration that the applied use was considered generally in line with the planning intention of “AGR” zone; there was no major adverse departmental comments on the application; and the applied use was not entirely incompatible with the surrounding land uses. The approved scheme is yet to be implemented.
- 6.2 Details of the similar application is summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

- 7.1 The Site is:
 - (a) currently fenced-off, partly hard-paved, partly covered with wild grasses and vegetation and occupied by some temporary structures with parking of some vehicles; and
 - (b) abutting Lin Ma Hang Road to the southeast.

- 7.2 The surrounding areas are of rural character mainly comprising temporary domestic structures, warehouse/storage yards, active/fallow agricultural land, vegetated areas and tree clusters. To the immediate north is the site covered by valid planning permissions under applications No. A/NE-MKT/24 and 39 for temporary place of recreation, sports or culture (hobby farm) and temporary warehouse for storage of construction materials respectively. To the southwest is the site covered by a valid planning permission under application No. A/NE-MKT/37 for temporary warehouse for storage of food provisions. To the further northeast is the village proper of Muk Wu Nga Yiu zoned “Village Type Development”.

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 3.10.2025, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix V**). Amongst them, three comments from the Indigenous Inhabitant Representative of Muk Wu and two individuals object to the application mainly on the grounds that the proposed use will cause adverse traffic and ecological impacts, as well as safety risks posed to nearby residents; and there is lack of justification for the proposed use and extent of land filling within the Site. The remaining public 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 (**Plan A-1**). While the proposed use is not entirely in line with the planning intention of the “AGR” zone, according to the applicant, about 1,000m² (or about 66.7% of the Site) will be used for farming area (**Drawing A-1**), the Director of Agriculture, Fisheries and Conservation has no strong view against 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 three years.

- 11.2 The applicant applies for filling of land for about 500m² (or about 33.3% of the Site) with a depth of about 0.2m for site formation for erection of temporary structures and provision of footpaths (**Drawing A-2**). Filling of land within “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 DSD and Director of Environmental Protection have no objection to or no adverse comment on the application from drainage and environmental planning perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring 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, abutting Lin Ma Hang Road to the immediate southeast, is located in an area of rural character mainly comprising temporary domestic structures, warehouse/storage yards, active/fallow agricultural land, vegetated areas and tree clusters, and currently fenced-off and partly hard-paved, partly covered with wild grasses and vegetation and occupied by some temporary structures with parking of some vehicles (**Plans A-3 to A-4b**). The proposed use is considered not entirely incompatible with the surrounding land uses. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) advises that significant adverse impact on existing resources arising from the proposed use is not anticipated.
- 11.4 Other relevant government departments consulted, including the Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix IV** respectively. Should the application be approved, the applicant will also be advised to follow the environmental mitigation measures as set out in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any possible environmental nuisance.
- 11.5 There is a similar application (No. A/NE-MKT/24) located to the immediate north of the Site (**Plan A-1**), which was approved with conditions by the Committee in March 2023 as detailed in paragraph 6.1 above. The planning circumstances of the current application are similar to the approved similar application. Approving the current application is in line with the Committee’s previous decision.
- 11.6 Regarding the public comments mentioned in paragraph 10, 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 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 three years until 21.11.2028. The following conditions of approval and advisory clauses are 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 21.5.2026;
- (b) in relation to (a) above, the implementation of the 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 21.8.2026;
- (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 21.5.2026;
- (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 21.8.2026;
- (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 the expiry of the planning permission, the reinstatement of the Site, including removal of fill materials and hard paving, and grassing 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 Member's 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 the 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 received on 23.9.2025
Appendix Ia	SPS
Appendix Ib	FI received on 28.10.2025
Appendix Ic	FI received on 14.11.2025
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Proposed Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2025**