

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

**APPLICATION NO. A/YL-LFS/578**

- Applicant** : 譚炳輝 represented by 海願規劃發展公司
- Site** : Lots 1574 and 1575 RP (Part) in D.D. 129 and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 290m<sup>2</sup> (Including GL of about 72m<sup>2</sup> or 24.8%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years at the application site (the Site) (**Plan A-1**) zoned “GB” on the OZP. According to the Notes for the “GB” zone, ‘Place of Recreation, Sports or Culture’, which is a Column 2 use, requires planning permission from the Town Planning Board (the Board). The Site is currently grassed, fenced off, partly vacant and occupied by a temporary structure used for storage and office without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Deep Bay Road via a local track, with the ingress/egress located at the west of the Site (**Plan A-2**). As shown on the layout plan and floor plan at **Drawings A-1 to A-2**, a two-storey structure (about 6m in height) with a floor area of about 200m<sup>2</sup> (150m<sup>2</sup> on the ground floor and 50m<sup>2</sup> on the second floor) is proposed for hydroponic farming (132m<sup>2</sup> on the ground floor and 38m<sup>2</sup> on the second floor), storage, staff resting area and toilet uses. Outdoor cultivation areas are designated on the second level of the structure (about 100m<sup>2</sup>) and ground level to the west of the structure (about 60m<sup>2</sup>). The total area for cultivation including both indoor and outdoor areas<sup>1</sup> (i.e. for growing strawberry and vegetables) is about 330m<sup>2</sup>. A conceptual drawing of the proposed temporary structure is at **Drawing A-4**. According to the applicant, all paving on-site has been removed and no land filling works will be undertaken. The applicant also proposes to plant four new trees within

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<sup>1</sup> The total area for cultivation on the ground level (i.e. 132m<sup>2</sup> indoor and 60m<sup>2</sup> outdoor) is about 192m<sup>2</sup> (equivalent to about 66% of the Site) (**Appendix Ib**).

the Site to mitigate the landscape impact (**Drawing A-3**). One parking space for private car (5m x 2.5m) would be provided for staff.

- 1.3 According to the applicant, the operation hours would be between 9 a.m. and 7 p.m. daily, including Sundays and public holidays and the hobby farm would be mainly operated by nearby residents. The maximum number of visitors would not be more than 20 per day and visits will be on appointment basis. The proposed layout plan, floor plan, landscape plan and conceptual drawing submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 21.10.2025 (**Appendix I**)
  - (b) Supplementary Information (SI) received on 29.10.2025 (**Appendix Ia**)
  - (c) Further Information (FI) received on 5.12.2025\* (**Appendix Ib**)
  - (d) FI received on 11.12.2025\* (**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 with attachments and the SI and FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) the proposed hobby farm is temporary in nature, and would not jeopardise the long-term planning intention of the area;
- (b) workshops and agricultural experience days would be organised for the public to learn about farming knowledge and techniques as well as sustainable development concepts. The proposed hobby farm would also collaborate with schools and community organisations for joint activities;
- (c) by properly managing the time for the goods delivery to the Site, there will be no adverse traffic impact on the surrounding areas;
- (d) the proposed use is in harmony with the surrounding environment and the Site will be under proper management. No adverse impact on the environment would be caused;
- (e) no inflammable items, hazardous materials, permanent structures, nor vehicles other than for the proposed use will be allowed at the Site; and
- (f) the proposed use does not involve car washing, vehicle repairing, dismantling, paint spraying and other workshop activities.

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

For the private land portion, the applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, 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 Ordinance (TPB PG-No. 31B) are not applicable.

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

- 4.1 Town Planning Board Guidelines for “Application for Development within the Green Belt Zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10) are relevant to the application. The relevant assessment criteria are detailed at **Appendix II**.
- 4.2 According to Town Planning Board Guidelines for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12C), the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are detailed at **Appendix III**.

#### **5. Background**

Part of the Site is currently subject to an active planning enforcement case (No. E/YL-LFS/645) (**Plan A-2**) against unauthorized development (UD) involving storage use. The Reinstatement Notice was issued on 24.7.2025 requiring the concerned parties to remove the leftover, debris and fill materials (including hard paving) on the land and to grass the land by 24.10.2025. Site inspection on 31.10.2025 revealed that the Site was largely grassed. The Site is currently under monitoring according to established procedures.

#### **6. Previous Application**

The Site was involved in a previous application (No. A/YL-LFS/279) for proposed temporary open storage of building material with ancillary office for a period of three years which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 18.9.2015. The considerations of this application are not relevant to the current application which is for a different use. Details of the application are summarised at **Appendix IV** and its location is shown on **Plan A-1**.

#### **7. Similar Applications**

- 7.1 Within the same “GB” zone, there are 13 similar applications (No. A/YL-LFS/380, 408, 409, 414, 419, 435, 475, 484, 494, 511, 531, 543 and 547) for hobby farm with or without other uses/facilities and filling of land in the past five years. Six of them were approved while seven were rejected by the Committee. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

##### *Approved applications*

- 7.2 Six applications (No. A/YL-LFS/380, 408, 414, 435, 475 and 547) covering five different sites for temporary hobby farm with or without other uses/facilities were approved by the Committee between 2021 and 2025 mainly on considerations that the applied use was in line with or not in conflict with the planning intention of the “GB” zone and TPB PG-No.10; the applied use was not incompatible with the

surrounding environment; there were generally no adverse comments from concerned government departments and the technical concerns could be addressed by approval conditions. With the exception of application No. A/YL-LFS/363 (0.6% of the Site concrete-paved), all the approved similar applications do not involve filling of land.

#### *Rejected applications*

- 7.3 Applications No. A/YL-LFS/409 and 419 covering the same site involving filling of soil atop concrete-paving for hobby farm were rejected by the Committee in 2021 and 2022 respectively mainly on grounds that there was no strong planning justification for a departure from the planning intention; the proposed development was not in line with the TPB PG-No. 10; there was no strong justification to demonstrate that the proposed development was genuinely for hobby farm use; and/or there were adverse comments from concerned government department on slope safety aspect.
- 7.4 Applications No. A/YL-LFS/484, 494, 511, 531 and 543 covering two sites involving extensive vegetation clearance and site formation for hobby farm were rejected by the Committee between 2023 and 2025 respectively mainly on grounds that there was no strong planning justification for a departure from the planning intention; the proposed development was not in line with the TPB PG-No. 10; there were adverse comments from concerned government department on landscape and/or slope safety aspect.

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

#### 8.1 The Site is:

- (a) grassed, fenced off, partly vacant and occupied by a temporary structure used for storage and office; and
- (b) accessible from Deep Bay Road located to its west via a local track.

8.2 The surrounding areas are predominated by unused land, cultivated agricultural land and village houses. Other uses such as storage yards and workshop are also found in the vicinity of the Site. Some of the surrounding uses are suspected unauthorized developments (UDs) subject to planning enforcement action.

### **9. Planning Intention**

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. However, limited development may be permitted if they are justified on strong planning grounds.

### **10. Comments from Relevant Government Departments**

All 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 in **Appendices V and VI** respectively.

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

On 31.10.2025, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual (**Appendix VII**) was received objecting to the application mainly on grounds that filling of land had been undertaken to convert the Site to brownfield use; potential environmental impacts; and the genuinity of the proposed hobby farm use is in doubt.

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

12.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years at the Site zoned “GB” on the OZP (**Plan A-1**). As shown on the proposed layout plan (**Drawing A-1**), majority of the Site (about 192 m<sup>2</sup> or 66% of the Site) on the ground floor is proposed for indoor and outdoor cultivation areas of the hobby farm. According to the applicant, all paving on-site has been removed and no filling of land will be undertaken. The Director of Agriculture, Fisheries and Conservation (DAFC) has no comment on the application from agricultural perspective. The proposed development is considered not entirely in conflict with the planning intention of the “GB” zone. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “GB” zone.

12.2 In view of the nature and scale of the proposed hobby farm as mentioned in paragraph 12.1 above, it is considered not incompatible with the surrounding areas which are predominated by unused land, cultivated agricultural land and village houses. The Chief Town Planner/Urban Design and Landscape, Planning Department has no comment on the application from landscape planning perspective. As the Site is zoned “GB”, an approval condition requiring the reinstatement of the site upon expiry of the planning permission so as to uphold the planning intention of the “GB” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

12.3 According to TPB PG-No. 10, while new development will only be considered in exceptional circumstances and must be justified with very strong planning grounds, passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration. The development should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape. The issue on compatibility has been discussed in paragraph 12.2 above. With regard to the impact on existing natural vegetation and landscape, the Site is now largely covered by grass and no existing tree is observed within the Site. Besides, the applicant proposes to plant four new trees within the Site. In this regard, significant adverse landscape impact on existing landscape resources within the Site and the surrounding areas arising from the proposed use is not anticipated. In view of the above, the proposed use is considered not in conflict with TPB PG-No. 10.

12.4 Although the Site falls within the WBA under TPB PG-No. 12C, planning applications for temporary uses are exempted from the requirement of conducting an

Ecological Impact Assessment. In this regard, DAFC has no adverse comment on the application from nature conservation perspective.

- 12.5 Other concerned departments consulted including the Director of Environmental Protection, the Commissioner for Transport, the Chief Engineer/Mainland North of Drainage Services Department and the Director of Fire Services have no objection to or no comment on the application from environmental, traffic, drainage and fire safety perspectives respectively.
- 12.6 The Committee has approved six similar applications involving five different sites within the same “GB” zone in the past five years. Although the Committee had rejected seven similar applications involving three sites for temporary hobby farm within the same “GB” zone as mentioned in paragraphs 7.3 and 7.4 above, the circumstances of these rejected similar applications are different in that the rejected proposals all involved filling of soil atop concrete-paving or extensive vegetation clearance and site formation which were considered incompatible with the surrounding environment. Approval of the current application is generally in line with the Committee’s previous decisions.
- 12.7 Regarding the public comment objecting to the application as stated in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant. As for the concern on the genuinity of the proposed hobby farm, UD (including storage and office use) at the Site will be subject to planning enforcement action.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11, 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 on a temporary basis for a period of three years until **19.12.2028**. 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 **19.6.2026**;
- (b) in relation to (a) above, the implementation of the 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 **19.9.2026**;
- (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 **19.6.2026**;

- (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 **19.9.2026**;
- (f) if the 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 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 attached at **Appendix VI**.

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

the proposed use 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. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, 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 planning 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 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 21.10.2025
<b>Appendix Ia</b>	SI received on 29.10.2025
<b>Appendix Ib</b>	FI received on 5.12.2025
<b>Appendix Ic</b>	FI received on 11.12.2025

<b>Appendix II</b>	Extracts of Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No. 10)
<b>Appendix III</b>	Extracts of Town Planning Board Guidelines for Application for Development within Deep Bay Area (TPB PG-No. 12C)
<b>Appendix IV</b>	Previous and Similar Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comment Received During Statutory Publication Period
<b>Drawing A-1</b>	Layout Plan and Vehicular Access Plan
<b>Drawing A-2</b>	Floor Plan
<b>Drawing A-3</b>	Landscape Plan
<b>Drawing A-4</b>	Conceptual Drawing of the Temporary Structure
<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

**PLANNING DEPARTMENT  
DECEMBER 2025**