

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MUP/224

<u>Applicant</u>	:	Hintak Construction Company Limited represented by FiBi International Project Consultancy Co. Limited
<u>Site</u>	:	Lot 244 in D.D.37, Man Uk Pin, Sha Tau Kok, New Territories
<u>Site Area</u>	:	About 1,024m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	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 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 fenced-off and largely vacant.
- 1.2 The Site is accessible via a local access road leading to Wo Keng Shan Road (**Plan A-1**). According to the applicant, the proposed use involves an open-air farming area of about 449.8m², and two single-storey structures (not more than 4m in height) with a floor area of about 116m² each for greenhouse planting, accounting for a total farming area of about 681.8m², or about 67% of the site area. The proposed use also involves two single-storey structures (not more than 4m in height) with a total floor area of about 74.2m² for reception, staff restroom, visitor’s resting area, tutorial for cultivation, processing of harvested crops, washroom and storage of tools. Three private car parking spaces (2.5m(W) x 5m(L) each) will be provided within the Site. The applicant also applies for regularisation of filling of land for about 42m² (about 4.1%) of the Site with concrete of about 0.2m in depth for vehicular ingress/egress purpose. The operation hours of the proposed use are between 9:00a.m. to 6:00p.m. from Mondays to Saturdays, and between 9:00a.m. to 8:00p.m. on Sundays and public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 According to the applicant, prior reservation is required for all visits and parking spaces. Each operation day will be divided into four visiting sessions, with each session accommodating at most 20 visitors. Sufficient manoeuvring space will be provided at the Site, and traffic signs and flashing light will be installed to ensure pedestrian safety. No public announcement system or any form of audio amplification system will be used on the Site. Septic tank will be provided within the Site to treat sewage generated by the proposed use. The run-off from the Site will be filtered prior to discharging to the streamcourse to north of the Site, and drainage facilities will be provided on Site with a setback of about 3m from the northern site boundary. The applicant has submitted the drainage and fire service installations (FSIs) proposals in support of the application. The drainage proposal cum land filling plan is at **Drawing A-2**.
- 1.4 The Site is the subject of a previous application No. A/NE-MUP/197 for the same use submitted by the same applicant as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 26.1.2024. The planning approval was subsequently revoked on 26.10.2025 due to non-compliance with approval conditions. Details of the previous application are set out in paragraph 5 below. Compared with the previous application, except for the addition of regularisation of land filling, the proposed layout and major development parameters generally remain unchanged.
- 1.5 In support of the application, the applicant has submitted the following documents:
- | | |
|--|----------------------|
| (a) Application Form with attachments received on 12.12.2025 | (Appendix I) |
| (b) Supplementary Information (SI) Received on 17.12.2025 | (Appendix Ia) |
| (c) Further Information (FI) received on 29.12.2025* | (Appendix Ib) |
| (d) FI received on 20.1.2026* | (Appendix Ic) |
| (e) FI received on 23.1.2026 and 26.1.2026* | (Appendix Id) |
| (f) FI received on 28.1.2026* | (Appendix Ie) |
| (g) FI received on 2.2.2026* | (Appendix If) |

**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, SI and FIs at **Appendices I to If**, as summarised below:

- (a) the proposed use which is only temporary in nature will not frustrate the long-term planning intention of the “AGR” zone;
- (b) the proposed use which is small in scale is located far from residential areas. There will be no operation during sensitive hours. Significant adverse traffic, environmental, drainage, landscape and visual impacts on the surrounding areas are not anticipated; and
- (c) under the previously approved application, the applicant had already complied with the approval conditions on the submission of drainage and FSIs proposals, and the submission and implementation of traffic management measures. Regarding the approval conditions in relation to the implementation of drainage and FSIs proposals, the applicant advises that the drainage facilities have already been implemented, while the implementation of FSIs proposal is pending the Lands Department’s (LandsD) approval of Short Term Wavier (STW) and Short Term Tenancy (STT) applications. The applicant commits to comply with the approval conditions imposed by the Board.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site was the subject of a planning enforcement case against an unauthorized development (UD) involving storage use. An Enforcement Notice (EN) was issued on 23.8.2019. Subsequent site inspection revealed that the UD was discontinued. The Compliance Notice (CN) for EN was issued on 23.4.2020. Reinstatement Notice (RN) was then issued on 15.5.2020. CN for RN was issued on 30.5.2022 after confirming the site has been reinstated. Recent site inspection revealed that the site was largely vacant.

5. Previous Application

5.1 The Site is the subject of a previous application No. A/NE-MUP/197 for the same use submitted by the same applicant as the current application, which was approved with conditions by the Committee on 26.1.2024 mainly on the considerations that the proposed use was considered generally not in conflict with the planning intention of the “AGR” zone; the proposed use was compatible with the surrounding environment in the vicinity; and there was no major adverse departmental comment received or the concerns of the departments could be addressed by relevant approval conditions. While the applicant complied with the approval conditions on the submission of drainage and FSIs proposals, and the submission and implementation of traffic management measures, the planning approval was subsequently revoked on 26.10.2025 due to non-compliance with approval conditions on the implementation of drainage and FSIs proposals.

5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Application

6.1 There is a similar application (No. A/NE-MUP/183) for proposed temporary place of recreation, sports or culture (hobby farm) and holiday camp (caravan) with ancillary facilities for a period of three years and associated filling of land in the same “AGR” zone in the vicinity of the Site in the past five years. The application was approved with conditions by the Committee on 10.11.2023 mainly on the considerations that the proposed use was generally in line with the planning intention and there were no major adverse departmental comments received.

6.2 Details of the similar application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) fenced-off and largely vacant; and
- (b) accessible via a local access road leading to Wo Keng Shan Road.

7.2 The surrounding areas are of rural character mainly comprising residential dwellings and active or fallow agricultural land. The upstream of Man Uk Pin Ecologically Importance Stream (EIS) is located to the north of the Site. The village cluster of Man Uk Pin is located to the further south of the Site.

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 within the “AGR” zone 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

9.1 Apart from the government department 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 are provided at **Appendices IV** and **V** respectively.

9.2 The following government department provides views to the application:

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

Agriculture

- (a) on the understanding that agricultural activities are involved in the proposed use at the Site, he has no strong view against the application from agricultural perspective; and

Nature Conservation

- (b) a natural stream is located in the vicinity of the Site, which is the upstream of the Man Uk Pin EIS. Due to the sensitivity of the Man Uk Pin EIS, set back of the Site is required. Noting the applicant’s proposed measures, he has no comment on the application from nature conservation perspective.

10. Public Comments Received During Statutory Publication Period

On 19.12.2025, the application was published for public inspection. During the statutory public inspection period, four comments were received (**Appendix VI**). A comment from an individual objects to the application mainly on the ground that insufficient land is reserved for farming. The Chairman of Sha Tau Kok District Rural Committee advises that the Indigenous Inhabitant Representative of Man Uk Pin objects to the application mainly on the ground that the proposed use may affect the livelihood of the villagers, and advises that the applicant should liaise with the village representatives on the proposed use. The remaining two comments from a member of the North District Council and the Chairman of Lung Shan Area Committee indicate 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 falling within an area zoned “AGR” on the OZP. The proposed use is generally not in conflict with the planning intention of the “AGR” zone and DAFC has no strong view against the application from agricultural perspective. 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 application involves regularisation of filling of land for about 42m² (about 4.1%) of the Site with concrete of about 0.2m in depth for vehicular ingress/egress purpose. Filling of land within the “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 Drainage Services Department (CE/MN, DSD) has no objection to the application from public drainage viewpoint and the Director of Environmental Protection has no comment on the regularisation of filling of land from environmental planning perspective. 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 Site is situated in an area of rural character mainly comprising residential dwellings and active or fallow agricultural land. The Chief Town Planning/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from the landscape planning perspective, and considers that the proposed use is not entirely incompatible with the landscape character of its surroundings and significant adverse landscape impact arising from the application is not anticipated. The upstream of the Man Uk Pin EIS is located to the north of the Site (**Plan A-2**). The applicant advises that the run-off from the Site will be filtered prior to discharging to the said streamcourse, and drainage facilities will be provided on Site with a setback of about 3m from the northern site boundary. In this regard, DAFC has no comment on the application from nature conservation perspective.
- 11.4 The Commissioner for Transport has no comment on the application. Noting that the local access road connecting the Site is a single lane traffic with both traffic directions, to avoid hindering other local road users and ensure pedestrian safety, approval conditions on the implementation and maintenance of the proposed traffic management measures are recommended. Other relevant government departments consulted, including the Director

of Fire Services and Chief Engineer/Construction of Water Supplies Department have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to implement the relevant requirements of the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance.

- 11.5 The Site is the subject of a previous application No. A/NE-MUP/197 for the same use submitted by the same applicant as the current application, which was approved with conditions by the Committee on 26.1.2024 as detailed in paragraph 5.1 above. The planning approval was subsequently revoked on 26.10.2025 due to non-compliance with approval conditions in relation to the implementation of drainage and FSIs proposals. The applicant advises that the drainage facilities have already been implemented, and the implementation of FSIs proposal is pending LandsD's approval of STW and STT applications. The applicant has submitted the drainage and FSIs proposals in support of the application, and CE/MN, DSD considers the drainage proposal acceptable. Should the Committee decide to approve the application, the applicant will be advised that should there be failure to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.6 There is also a similar application for proposed temporary place of recreation, sports or culture (hobby farm) and holiday camp (caravan) within the same "AGR" zone in the vicinity of the Site in the past five years, which was approved with conditions by the Committee in 2023 as mentioned in paragraph 6.1 above. The planning circumstances of the current application are similar to those of the approved similar application. Approval of the current application is in line with the Committee's previous decision.
- 11.7 Regarding the public comments as detailed in paragraph 11, 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 6.2.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the implementation of the accepted 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 6.11.2026;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (c) 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 6.8.2026;
- (d) in relation to (c) 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 6.11.2026;
- (e) the implementation of traffic management measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 6.11.2026;
- (f) in relation to (e) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (g) if any of the above planning condition (b) or (f) 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;
- (h) if any of the above planning condition (a), (c), (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
- (i) upon the expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving, 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**.

- 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 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 with attachments received on 12.12.2025
Appendix Ia	SI received on 17.12.2025
Appendix Ib	FI received on 29.12.2025
Appendix Ic	FI received on 20.1.2026
Appendix Id	FI received on 23.1.2026 and 26.1.2026
Appendix Ie	FI received on 28.1.2026
Appendix If	FI received on 2.2.2026
Appendix II	Previous Application
Appendix III	Similar Application
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Drainage Proposal cum 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
FEBRUARY 2026**