

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-PK/219

- Applicant** : Mr. SO Kwai Chung represented by Conrad Tang & Associates Limited
- Site** : Lots 2118 S.A, 2118 S.B, 2118 S.C, 2118 S.D, 2118 S.E, 2118 S.F and 2118 RP in D.D. 91, Ping Kong, Sheung Shui
- Site Area** : About 3,550m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Kong Outline Zoning Plan (OZP) No. S/NE-PK/11
- Zoning** : “Agriculture” (“AGR”)
- 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 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 currently vacant, covered with vegetation and on a gentle slope (**Plan A-4**).
- 1.2 The Site is accessible via a local access road leading to Fan Kam Road (**Plan A-1**). According to the applicant, the proposed use comprises two farming areas at the northern and central portions, namely fruit tree planting area (about 1,058m²) and Chinese herbal medicines area (about 1,146m²) respectively, accounting for a total farming area of about 2,204m² (i.e. about 62% of the Site) (**Drawing A-1**). To avoid affecting the man-made slope feature along the western boundary of the Site, the applicant proposes a 6m-wide (about 600m² or about 17% of the Site) geotechnical intact zone (GIZ) (**Drawing A-1**) as a non-building area¹. The southern portion (about 645m² or about 18% of the Site) will be filled and hard paved by concrete of not more than 0.2m high to accommodate five ancillary structures, three private car parking spaces (5m (L) x 2.5m (W) each), a loading/unloading space (5m (L) x 2.5m (W)) for van-type light goods vehicle, as well as circulation area. The five ancillary structures are

¹ Between the western boundary of the Site and the GIZ, there are residual portions of about 101m².

of one to two-storey in height (2.5m to 6m) with a total floor area of about 300m², which are for reception and office, toilet and changing room, agricultural education/activities room, storage/products handling area, and pantry and staff resting room. The proposed operation hours are from 10:00a.m. to 5:00p.m. daily. Besides, a gate will be installed at the entrance to avoid the simultaneous entry of vehicles. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 According to the applicant, prior reservation of visitors is required. The Site will accommodate a maximum of 10 visitors per day, with two staff on site to guide the visitors and manage the traffic if needed. Sufficient manoeuvring space will be provided at the Site to avoid queuing of vehicles outside the Site. No neon light devices, public announcement system or any form of audio amplification system will be used on site. Septic tank will be provided within the Site for sewage treatment. All existing trees within the Site, including *Cleistocalyx nervosum* (Cn) (水翁) and *Ficus hispida* (Fh) (對葉榕) will be retained (**Drawing A-1**).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on (Appendix I) 14.7.2025
 - (b) Further Information (FI) received on 4.11.2025* (Appendix Ia)
 - (c) FI received on 16.2.2026* (Appendix Ib)
- *accepted and exempted from publication and recounting requirements*
- 1.5 On 5.9.2025 and 19.12.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as each requested by the applicant.

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 **Appendix I** to **Ib**, as summarised below:

- (a) the proposed use aims to promote sustainable organic farming in Hong Kong, which aligns with the Government's prevailing policy. Its temporary nature will not frustrate the long-term planning intention of the "AGR" zone;
- (b) the additional traffic flow generated by the proposed use is considered insignificant. The applicant will closely monitor the condition of the local access road leading to the Site and liaise with the Lands Department to rectify any irregularities. With the implementation of the traffic management measures, adverse traffic impacts are not anticipated;
- (c) the applicant is committed to comply with the relevant codes of practice and practice notes issued by the Environmental Protection Department. The impacts on the landscape and environment are minimal. In addition, the submitted

drainage proposal indicates that there will be no adverse drainage impact arising from the proposed use; and

- (d) should the application be approved, the applicant is committed to comply with all approval conditions and reinstate the Site upon expiry of the planning permission.

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

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

4. **Background**

The Site is not subject to any active planning enforcement action.

5. **Previous Application**

There is no previous application at the Site.

6. **Similar Applications**

6.1 There are two similar applications (No. A/NE-PK/148 and 206) for temporary place of recreation, sports or culture (hobby farm and ancillary barbecue site) covering the same site straddling the same “AGR” zone and adjacent “Green Belt” (“GB”) zone in the vicinity of the Site in the past five years (**Plans A-1 and A-2**), which were approved with conditions by the Committee of the Board in 2021 and 2024 respectively, mainly on considerations that the proposed uses would not frustrate the long-term planning intentions of the “AGR” and/or “GB” zones, not being incompatible with the surrounding environment and not causing significant adverse impacts on the surrounding areas. The validity of the planning permission for application No. A/NE-PK/206 is up to 4.10.2027.

6.2 Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plans A-1 and A-2**.

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

7.1 The Site is:

- (a) currently vacant, covered with vegetation and on a gentle slope descending from south to north (**Plans A-1 and A-4**);
- (b) adjoining an existing temporary hobby farm and ancillary barbecue site with planning permission (Application No. A/NE-PK/206) (**Plan A-2**) to the immediate east; and

- (c) accessible from Fan Kam Road via a local access road (**Plans A-1 and A-2**).

7.2 The surrounding areas are predominantly rural in character with active farmland, vacant land, domestic structures, temporary structures for storage, grazing land and tree groups (**Plans A-2 and A-3**).

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

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 22.7.2025, the application was published for public inspection. During the statutory public inspection period, nine public comments were received (**Appendix V**). Three comments from individuals object to the application mainly on the grounds that the proposed hard-paving area is excessive and should not be allowed; land issues related to the Site and illegal occupation of the adjacent Government land (GL)/access road have not been resolved; and the proposed use may lead to adverse drainage and geotechnical impacts to the surrounding area. Another five comments from Kadoorie Farm & Botanic Garden Corporation and individuals have similar concerns as stated above, and express other concerns on the application regarding the safety risk of the non-standard access road, provision of fire safety measures in view of the frequent hill fires in the vicinity, and attractiveness of the proposed use due to its remoteness. The remaining 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 falling within an area zoned “AGR” on the OZP (**Plan A-1**). The proposed use is generally not in conflict with the planning intention of the “AGR” zone and the Director of Agriculture, Fisheries and Conservation has no strong view against the application from agricultural perspective, on the understanding that

agriculture activities are involved in the proposed use at the Site. According to the applicant, the proposed use comprises two farming areas at the northern and central portions, namely fruit tree planting area and Chinese herbal medicines area respectively, accounting for a total farming area of about 62% of the Site (i.e. about 2,204m²) (**Drawing A-1**). Taking into account the above and 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 also involves associated filling of land for about 645m² (i.e. about 18% of the Site) with concrete of about 0.2m in depth for proposed five ancillary structures, parking and circulation purposes. 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 and Director of Environmental Protection have no objection to the application from public drainage and environmental planning point of view. 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 predominantly rural in character with active farmland, vacant land, domestic structures, temporary structures for storage, grazing land and tree groups (**Plans A-2** and **A-3**). The applicant has also proposed to retain all existing trees within the Site (**Drawing A-1**). The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective, and considers that the proposed use is not entirely incompatible with the surrounding environment and significant adverse landscape impact arising from the application is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport, Director of Fire Services, Chief Engineer/Construction, Water Supplies Department and Head of Geotechnical Engineering Office, Civil Engineering and Development 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 and advisory clauses are recommended in paragraph 12.2 below and **Appendix IV**. The applicant will also be advised to follow the relevant requirements of the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ and to meet the statutory requirements under relevant pollution control ordinances.
- 11.5 There are two similar applications for temporary place of recreation, sports or culture (hobby farm) straddling the same “AGR” and adjacent “GB” zone in the vicinity of the Site in the past five years, which were approved with conditions by the Committee in 2021 and 2024 as detailed in paragraph 6.1 above. The planning circumstances of the current application are largely similar to those of the approved similar applications. Approving the current application is in line with the Committee’s previous decisions.

- 11.6 Regarding the public comments as detailed in paragraph 11 above, 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 27.3.2029. The following approval conditions and advisory clauses are also 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 27.12.2026;
- (b) in relation to (a) above, the implemented drainage facilities on the Site 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 27.9.2026;
- (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 27.12.2026;
- (e) if the above planning condition (b) 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;
- (f) if any of the above planning condition (a), (c) or (d) 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
- (g) upon expiry of the planning permission, the reinstatement of the Site, including the removal of fill material 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 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 14.7.2025
Appendix Ia	FI received on 4.11.2025
Appendix Ib	FI received on 16.2.2026
Appendix II	Similar applications
Appendix III	Government departments’ general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Layout plan submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photo