

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

**APPLICATION NO. A/YL-KTN/1160**

<b><u>Applicant</u></b>	: Mr. TANG Wing Yat Tommy
<b><u>Site</u></b>	: Lots 1026 RP, 1027 (Part), 1033 RP and 1034 RP in D.D. 107, Kam Tin North, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 1,610.5m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: 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 currently vacant and largely covered by shrubs and weeds (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Mei Fung Road via a local track (**Plans A-1 to A-3**). According to the applicant, the proposed use involves two single-storey structures with height of not more than 4m and a total floor area of about 90m<sup>2</sup> for farm lounge and ancillary office (**Drawing A-1**). The applicant also applies for proposed filling of land for about 500m<sup>2</sup> (about 31% of the Site) with concrete of not more than 0.3m in depth (to a level of about 5.7mPD) for site formation (**Drawing A-2**). The unfilled area of about 1,110.5m<sup>2</sup> (about 69% of the Site) will be designated as farming area. There will be no parking within the Site, and visitors and staff will access the Site by means of public transport and/or walking. The proposed use will accommodate a maximum of 60 visitors and two staff members per day. No open storage, recycling, cleansing, repairing, dismantling,

other workshop activities, whistle blowing or use of any form of audio amplification system will be involved at the Site at all times. The 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:

- (a) Application Form with attachments received on 13.8.2025 (**Appendix I**) and 21.8.2025
- (b) Further Information (FI) received on 11.9.2025<sup>#</sup> (**Appendix Ia**)
- (c) FI received on 10.10.2025<sup>#</sup> (**Appendix Ib**)
- (d) FI received on 3.2.2026<sup>@</sup> (**Appendix Ic**)

<sup>#</sup> *accepted but not exempted from publication and recounting requirements*

<sup>@</sup> *accepted and exempted from publication and recounting requirements*

1.4 On 5.12.2025, the Committee agreed to defer making a decision on the application for two months as 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 **Appendices I** to **Ic**, and can be summarised as follows:

- (a) The proposed use is intended to provide leisure farming area for the general public. 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. Adverse impacts generated by the proposed use on the surrounding areas are not anticipated. In support of the application, the applicant has submitted drainage and fire service installations (FSIs) proposals.
- (b) Part of the original application site covering Lot 1025 in D.D. 107 (**Plan A-2**) has been excluded from the Site to address the objecting public comment received from the representative of land owner of the concerned lot. Notwithstanding this, consent for using the existing footpath within Lot 1025 in D.D. 107 to access the Site has been obtained from the concerned land owner.

## **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 Kam Tin 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 14 similar applications for temporary hobby farm (including 10 with filling of land; and four also involving holiday camp, prawning ground or barbeque site uses) within the same “AGR” zone in the vicinity of the Site 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 2021 and 2025 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 their concerns and public comments, if any, 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) currently vacant and largely covered by shrubs and weeds; and
- (b) accessible from Mei Fung Road via a local track.

7.2 The surrounding areas are rural in character with an intermix of parking of vehicles (including two sites with valid planning permissions), open storage/storage yards, active and fallow farmland, plant nurseries, scattered residential structures, grassland and vacant land. To the south of the Site across a maintenance road access is an existing drainage nullah.

**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 22.8.2025, 26.9.2025 and 21.10.2025, the application and FIs were published for public inspection. During the statutory public inspection periods, a total of six public comments were received, including three from Kadoorie Farm and Botanic Garden Corporation providing views that approval condition requiring reinstatement of the Site should be considered; two from the same individual objecting to the application mainly on the grounds that the proposed use is a disguise for brownfield development; and one from the representative of land owner of Lot 1025 in D.D. 107 adjoining the Site to its west (**Plan A-2**) objecting to the application mainly on the grounds that no consent is given to the proposed use at his lot, and there would be adverse traffic and drainage impacts (**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 1,110.5m<sup>2</sup> (about 69%) 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 parking of vehicles, open storage/storage yards, active and fallow farmland, plant nurseries, scattered residential structures, 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 and

considers that the proposed use is not incompatible with surrounding landscape character and significant adverse landscape impact arising from the proposed use is not anticipated.

- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services (D of FS), have no objection to or no adverse comment on the application. The FSIs proposal submitted by the applicant is considered acceptable by D of FS. 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 14 approved similar applications for temporary hobby farm within the same "AGR" zone in the 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. For the objecting comment which indicates that no consent is given to the proposed use at Lot 1025 in D.D. 107 (**Plan A-2**), the applicant has excluded the concerned lot from the Site, and should the application be approved by the Committee, the applicant will be advised to resolve any land issues relating to the proposed use with the concerned owner(s) and/or occupant(s).

## **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 27.3.2031. 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 27.9.2026;
- (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 27.12.2026;
- (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 implementation of the accepted 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 27.9.2026;
- (e) 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;
- (f) if any of the above planning condition (a), (b) 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 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 13.8.2025 and 21.8.2025

<b>Appendix Ia</b>	FI received on 11.9.2025
<b>Appendix Ib</b>	FI received on 10.10.2025
<b>Appendix Ic</b>	FI received on 3.2.2026
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comments
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<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  
MARCH 2026**