

**Similar s.16 Application within the “AGR” zone
on the Kam Tin South Outline Zoning Plan**

Approved Application

Application No.	Use/Development	Date of Consideration (Rural and New Town Planning Committee (RNTPC))
A/YL-KTS/1037	Proposed Filling of Land for Permitted Agricultural Use	28.2.2025

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the applied use with the concerned owner(s) and/or occupant(s);
- (b) prior planning permission should have been obtained before commencing the applied works at the application site (the Site);
- (c) the permission is given to the works under the application. It does not condone any other works/development/use(s) and structure(s) which currently occur on the Site but not covered by the application. Immediate action should be taken to discontinue such development/use(s) and remove such works/structure(s) not covered by the permission;
- (d) to note the comments of Director of Agriculture, Fisheries and Conservation (DAFC) that the proposed operation of the goat dairy farm must comply with the requirements under the Dairies Regulations (Cap. 139D) administered by AFCD¹. Furthermore, goat milk processing and sale are subject to stringent standards of the Milk Regulation (Cap. 132AQ) under the purview of Food and Environmental Hygiene Department (FEHD);
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that there are unauthorised structures and/or use(s) on the private lot(s) which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/regularise the lease breaches as demanded by LandsD;
- (f) to note the comments of the Commissioner for Transport that the Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comment of the Chief Highway Engineer/New Territories West, Highways Department that:
 - the applicant shall note that the application is approved on the understanding that there is and will be no vehicular access to/from the Site; and
 - adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (h) to note the comments of the Director of Environmental Protection that:
 - the applicant shall follow the good engineering practice set out in the “Recommended Pollution Control Clauses for Construction Contracts”;
 - the applicant shall provide adequate supporting infrastructure/facilities for proper

¹ Any person who wishes to maintain a dairy for the purpose of trade in milk is required to be registered as a dairyman and have a Dairy Licence issued by Agriculture, Fisheries and Conservation Department. A Dairyman includes any keeper of cows or buffaloes for the purpose of trade in milk, and any occupier of a dairy, and in cases where a dairy is owned by a corporation or company includes the secretary or other person actually managing. There is no such provision for a dairyman to keep goat for the purpose of trade in milk under the current regulation.

collection, treatment and disposal of waste/wastewater generated. The design of the septic tank should meet the relevant requirements including minimum clearance distance and percolation test as stipulated in the Professional Persons Environmental Consultative Committee Practice Note 1/23 “Drainage Plans subject to Comment by the Environmental Protection Department”; and

- the applicant shall observe the statutory requirements under relevant environmental legislation;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
- the applicant shall maintain the implemented drainage facilities upon completion of the proposed land filling works on the site; and
 - for any change of existing ground level and associated works proposed by the applicant that could affect adjacent land and cause other impacts and/or other issues to the public, the applicant should submit relevant technical assessment(s) in other aspect(s) and seek comment from relevant government departments as necessary;
- (j) to note the comments of the Director of Fire Services that:
- in consideration of the design/nature of the application, fire service installations (FSIs) are anticipated to be required. The applicant shall submit relevant layout plans incorporated with the proposed FSIs to the Fire Services Department (FSD) for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of proposed FSIs to be installed should be clearly marked on the layout plans; and
 - if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
 - the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
 - for unauthorised building works (UBW) erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
 - any temporary shelters or converted containers for office, storage, washroom or other

uses which are considered as temporary buildings are subject to the control of Part VII of the B(P)R; and

- detailed checking under the BO will be carried out at the building plan submission stage;
- (l) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
- no FEHD's facilities should be affected;
 - proper licence/permit issued by FEHD is required if there is any food business/catering service/activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. Under the Food Business Regulation (Cap. 132X), a food business licence is required for the operation of the relevant type of food business listed in the Regulation (e.g. a restaurant, a food factory etc);
 - depending on the mode of operation, generally there are several types of food business licence/permits that the operator may apply for under the Food Business Regulation (Cap. 132X):
 - (i) if food is sold to customers for consumption on the premises, a restaurant licence should be obtained;
 - (ii) if food is only prepared for sale for consumption off the premises, a food factory licence should be obtained. However, a food factory does not allow to operate as a milk factory, a separate milk factory licence is required for that purpose;
 - (iii) if fresh, chilled or frozen beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry is sold, a fresh provision shop licence should be obtained; and
 - (iv) if restricted foods like milk, frozen confections, non-bottled drinks, cut fruit etc. are to be sold, relevant individual restricted food permits or a composite restricted foods permit should be obtained;
 - A milk factory licence should be obtained from DFEH for the food business which involves, within the meaning of the Milk Regulation (Cap. 132AQ), the processing or reconstituted milk or any milk beverages, or packaging milk at any premises in the territory;
 - proper licence issued by FEHD is required if place of public entertainment is involved. Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within the Places of Public Entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement, a Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD

whatever the general public is admitted with or without payment;

- the application for licence, if acceptable by FEHD, will be referred to relevant government departments such as Agriculture, Fisheries and Conservation Department, BD, FSD and Planning Department for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements. Among other licensing requirements, sufficient sanitary fitments must be provided and the installation of sanitary fitment requires approval of the Building Authority (BA). Also, all sanitary fitments and scullery facilities must be connected to public mains water supply and fitted with a waste pipe connected to a proper drainage system. Alternatively, all sewage, soil water and waste water from the premises shall be drained into a sewage and waste water treatment system constructed to the satisfaction of FEHD. The applicant shall comply with all stipulated requirements before the licence is issued;
- when choosing a premises, the applicant must ensure that the operation of food business at the subject premises is in compliance with the requirements imposed under the legislation administered by FEHD, other government departments and the relevant authorities. The applicant is strongly advised to check well in advance the following documents: (a) the Government Lease, (b) the Occupation Permit of the building, and (c) the statutory plan. No part of a food premises shall be located in, under or over any structures built without the approval and consent of the BA;
- for details of procedures for application of relevant licence and points to note before application for the respective Licence, the applicant is invited to browse <https://www.fehd.gov.hk/english/licensing/guide.html>;
- for details of the list of Approved Machines for Heat-treatment of Milk, the applicant is invited to browse: https://www.fehd.hksarg/english/howtoseries/approved_agents_machines/heat_treatment_milk.html; and
- if the proposed works or use involves any commercial/trading activities, there should be no encroachment on the public place and no environmental nuisance should be generated to the surroundings. Its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Any animal carcass/parts shall be properly wrapped or bagged before disposal and in accordance with the relevant legislation. For any waste generated from the proposed works, use or activities in the premises, the applicant should handle on his own/at his expenses.

Urgent Return receipt Expand Group Restricted Prevent Copy

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2025年10月31日星期五 3:29
收件者: tpbpd/PLAND
主旨: A/YL-KTS/1099 DD 113 Kam Tin CA
類別: Internet Email

A/YL-KTS/1099

Lots 52 (Part), 53 (Part), 54 (Part) and 55 RP (Part) in D.D. 113 and Adjoining Government Land, Kam Tin

Site area: About 255sq.m Includes Government Land of not more than 9sq.m

Zoning: "Agriculture" and "Conservation Area"

Applied use: Filling of Land for Permitted Agricultural Use

Dear TPB Members,

Strong Objections, the application is to legitimize unapproved filling in of land that is clearly **not intended for genuine agriculture activity**.

“Based on our recent site inspection, the farm area you mentioned is **covered by hard paving** and includes both **sections with structures** and sections without buildings. The Planning Commission issued an Enforcement Notice (Case No.: E/YL-KTS/529) to the registered owner of the land on July 15, 2025, requiring the cessation of the illegal fill works on the land by July 29, 2025. The Planning Commission subsequently issued a Restoration Notice to the registered owner of the land in accordance with the Ordinance, requiring the removal of the fill material within the designated area and the planting of grass. Our department will follow up on the case according to established procedures. Regarding the structures on the site, as they are not within our jurisdiction, we believe the relevant departments (including the Lands Department and the Buildings Department) will conduct appropriate investigations and follow-ups.”

There is no justification for approval.

Mary Mulvihill