

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1099

- Applicant** : 蔡和軍先生
- Site** : Lots 54 (Part) and 55 RP (Part) in D.D. 113, Kam Tin, Yuen Long
- Site Area** : About 207m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Agriculture” (“AGR”)
- Application** : Filling of Land for Permitted Agricultural Use

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed and regularisation of filling of land for permitted agricultural use 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, while ‘Agricultural Use’ is a Column 1 use which is always permitted, filling of land requires planning permission from the Town Planning Board (the Board)¹. The Site is partly covered with soil and vegetation and partly hard paved with concrete, with some concrete piles erected thereon, without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible via a local track from Pat Heung Road (**Plans A-2 and A-3**). According to the applicant, the filling of land for the entire site with concrete in a depth of about 0.1m under the application involves (i) regularisation of land filling works already undertaken at the Site for about 154m² (about 74% of the Site) for erection of a new goat shed (**Drawing A-2**); and (ii) proposed filling of land at the eastern portion of the Site for about 53m² (about 26% of the Site) for provision of the associated underground septic tank and processing of residue from the septic tank (**Drawing A-3**). The proposed new goat

¹ This restriction does not apply to filling of land specifically required under prior written instructions of government department(s) or for the purposes of laying of soil not exceeding 1.2m in thickness for cultivation.

shed² is to replace the existing dilapidated goat shed³ to the immediate north of the Site (**Plan A-2**). Fencing would be erected along the northern boundary of the Site for the proposed goat shed to minimise disturbance to the adjacent “Conservation Area” (“CA”) zone. No parking space or loading/unloading bay will be provided within the Site. The site boundary plan, proposed layout and land filling plan and the plan showing the proposed location of the septic tank are shown in **Drawings A-1 to A-3** respectively.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 29.9.2025 and (**Appendix I**) Supplementary Information (SI) received on 13.10.2025
- (b) Further Information (FI) received on 15.10.2025[#] (**Appendix Ia**)
- (c) FI received on 21.10.2025* (**Appendix Ib**)
- (d) FI received on 28.11.2025[#] (**Appendix Ic**)
- (e) FI received on 31.12.2025[#] (**Appendix Id**)
- (f) FI received on 12.1.2026 and 13.1.2026[#] (**Appendix Ie**)
- (g) FI received on 27.1.2026[#] (**Appendix If**)
- (h) FI received on 18.3.2026[#] (**Appendix Ig**)
- (i) FI received on 2.4.2026[#] (**Appendix Ih**)

[#] accepted and exempted from publication and recounting requirements

* accepted but not exempted from publication and recounting requirements

1.4 On 19.12.2025 and 27.2.2026, the Rural and New Town Planning Committee (the Committee) agreed to the applicant’s requests to defer making a decision on the application for two months each.

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 (**Appendices I to Ih**). They can be summarised as follows:

- (a) the applicant has reared goats for over 20 years in the area, with a simple and basic goat shed constructed in 2004. The applicant would like to apply for filling of land at the Site with concrete paving of about 0.1m in depth and construct a new goat shed with associated underground septic tank, so as to replace the existing dilapidated goat shed to the immediate north of the Site (**Plan A-2**) for the sake of safety and health of the 33 goats currently living thereat. The concrete paving under the proposed goat shed is to fulfil relevant requirements, in terms of environmental concerns and hygiene, for the operation of the goat farm;
- (b) the applicant aims to apply for Dairy Licence and other relevant licences for the sale of goat milk and milk products while the applicant also commits that the goats are not for

² According to the applicant, the new goat shed would be a single-storey structure (about 3.3m in height) with a floor area of about 154m² for a dairy farm for goat milk.

³ According to the District Lands Officer/Yuen Long, Lands Department (LandsD), the existing goat shed is unauthorized building works on private lot(s) which is already subject to lease enforcement action.

slaughter and no goat meat will be sold. The applicant has been investing on setting up the proposed dairy farm for goat milk for a decade and the requirements for obtaining the Dairy Licence could soon be met. A veterinary clinic and biosecurity protocols would be set up within the future dairy farm to monitor the health of the goats;

- (c) rearing of goats in the area could help prevent the occurrence and spread of wildfire when the grass and overgrown weeds are occasionally eaten by goats, thus maintaining the ecological value of the locality; and
- (d) subject to approval of this application, the applicant will apply to LandsD and the Agriculture, Fisheries and Conservation Department (AFCD) for a Letter of Approval for the proposed agricultural structure for the new goat shed. In view of the adjacent “CA” zone (**Plan A-1**), the applicant commits to complying with LandsD’s and AFCD’s requirements to delineate the “CA” zone boundary and erect boundary wall/fencing at his own cost to avoid disturbance to the “CA” zone, demolishing the existing dilapidated goat shed within the “CA” zone, as well as removing the paving materials for growing crops within the “CA” zone in the future (**Appendix Id**).

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/ Notification’ Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending the notice to the registered owner and the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is subject to planning enforcement action against unauthorized filling of land which covers a larger site (case No. E/YL-KTS/529) (**Plan A-2**). Reinstatement Notice was issued on 31.7.2025 requiring reinstatement of the concerned land by 31.10.2025. As the Site has not been reinstated upon expiry of the notice, prosecution action is being considered.

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Application

There is no similar application within the same “AGR” zone in the vicinity of the Site in the past five years. However, there is a similar application (No. A/YL-KTS/1037) for proposed filling of land for permitted agricultural use in the “AGR” zone to the further east of the Site (near Yuen Kong San Tsuen) which was approved with conditions by the Committee on 28.2.2025 mainly on the grounds that the proposal was not incompatible with surrounding areas; and the relevant government departments consulted had no adverse comment or their concerns could be addressed by approval conditions. Details of the similar application are summarised at **Appendix II** 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) accessible via a local track from Pat Heung Road (**Plans A-2 and A-3**); and
- (b) currently partly covered with soil and vegetation and partly hard paved with concrete, with some concrete piles erected thereon, without valid planning permission (**Plans A-3 and A-4**).

7.2 The surrounding areas are rural in character and comprise mainly a dilapidated goat shed and woodland within the “CA” zone in the north of the Site, as well as a residential structure and grassland within the “AGR” zone and parking of vehicles in an area shown as ‘Road’ to the south. To the further southeast and the south of the Site are the Tai Lam Tunnel Administration Building, Tsing Long Highway and Pat Heung Road (**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 for “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

9.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long (DLO/YL), LandsD:

- (a) has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lots No. 54 and 55 RP in D.D. 113 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government;
- (c) LandsD has reservation on the planning application since there are unauthorised building works and/or uses 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; and
- (d) advisory comments are in **Appendix III**.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) no comment from traffic engineering perspective; and
- (b) advisory comments are in **Appendix III**.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) no in-principle objection to the application from highway maintenance point of view as the Site is not accessible by vehicles and no parking space or loading/unloading bay will be provided at the Site; and
- (b) advisory comments are in **Appendix III**.

Agriculture and Nature Conservation

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

- (a) no comment on the application from agriculture, nature conservation and public health perspectives;
- (b) while there is zoonotic disease risks associated with running a goat dairy farm, the applicant has committed that certain areas of the Site will be reserved for an associated veterinary clinic and for biosecurity planning, in case the applicant intends to operate a dairy goat farm in the future. Zoonotic disease risks and biosecurity concerns associated with a goat dairy farm could be addressed by engaging an on-site or affiliated registered veterinarian. The professional expertise of a registered veterinarian would not only facilitate early detection of animal diseases and the implementation of appropriate treatment or response measures, particularly when a veterinary clinic is available on-site, but also support the oversight of routine animal health management and biosecurity planning for the farm. With these measures in place, the public health risk is considered manageable and can be reduced to a controllable level;
- (c) the proposed operation of the goat dairy farm must comply with the requirements under Dairies Regulations (Cap. 139D) (administered by Agriculture, Fisheries and Conservation Department (AFCD))⁴. The applicant

⁴ 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

has indicated that the AFCD may conduct inspections/acceptance checks of the relevant facilities (e.g. veterinary clinic and laboratory) prior to considering the issuance of a dairy licence in the future. The applicant has also acknowledged that such inspections/checks do not guarantee the immediate granting of a dairy licence. Therefore, should the applicant wish to formally apply for a dairy licence for goat milk production under the Dairies Regulations (Cap. 139D) in the future, AFCD will process the application in accordance with the established procedures in place;

- (d) it is noted that the Site boundary does not encroach onto the area zoned “CA” and fencing will be erected to avoid disturbance to the “CA” zone during operation of the proposed agriculture use; and
- (e) advisory comments are in **Appendix III**.

Environment

9.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application from the environmental planning perspective, having considered the information submitted by the applicant;
- (b) there was no environmental complaint concerning the Site received in the past three years; and
- (c) advisory comments are in **Appendix III**.

Drainage

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) no in-principle objection to the application from the public drainage point of view provided that all existing drains/watercourse would be maintained and the overland flow from adjacent lands would not be affected;
- (b) should the application be approved, approval condition(s) should be imposed requiring the submission of a drainage proposal and the implementation of the drainage proposal to the satisfaction of the Director of Drainage Services or of the Board; and
- (c) advisory comments are in **Appendix III**.

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.

Fire Safety

9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) no objection in principle to the application subject to fire service installations being provided to his satisfaction; and
- (b) advisory comments are in **Appendix III**.

Building Matters

9.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department:

- (a) no objection to the application;
- (b) it is noted that one structure and associated filling of land are proposed in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorised building works under the Buildings Ordinance (BO). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (c) if agricultural structure(s) to be erected on the Site fall within the ambit of the Part 2 of the Schedule of the BO (Application to the New Territories) Ordinance (Cap. 121), DLO/YL, LandsD should be in a better position to comment on the application. Otherwise, such structure(s) will require prior approval and consent under the BO; and
- (d) advisory comments are in **Appendix III**.

Landscape

9.1.9 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) no adverse comment on the application from landscape planning perspective;
- (b) based on the aerial photo of late 2024, the Site is located in an area of miscellaneous rural fringe landscape character comprising a temporary structure for a goat shed and woodland at the northern end of the Site within the "CA" zone, a temporary structure and woodland to the east of the Site within the "AGR" zone and the Tsing Long Highway in an area shown as 'Road'. The applied and proposed works are not entirely incompatible with the surrounding landscape character; and

- (c) according to the site photos, the Site is mainly hard paved with some farming areas. No existing tree is observed within the Site. According to the Application Form (**Appendix I**), no tree felling is involved. Significant adverse landscape impact on existing landscape resources arising from the applied and proposed works is not anticipated.

District Officer's Comments

9.1.10 Comments of the District Officer (Yuen Long), Home Affairs Department:

- (a) no comment on the application; and
- (b) his office has not received comment from the locals upon close of consultation.

Others

9.1.11 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) no comment from food business licensing policy perspective;
- (b) in accordance with the laws of Hong Kong, any person who intends to carry on the business of a milk factory for processing milk, preparing reconstituted milk or milk beverages, or packaging milk at any premises in the territory must obtain a milk factory licence issued by the Licensing Authority before commencement of such business; and
- (c) advisory comments are in **Appendix III**.

9.2 The following government departments have no objection to or no adverse comment on the application and their advisory comments, if any, are provided in **Appendix III**:

- (a) Chief Engineer/Railway Development 2-3, Railway Development Office, HyD;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Project Manager (West), Civil Engineering and Development Department; and
- (d) Commissioner of Police.

10. Public Comment Received During the Statutory Publication Periods

On 14.10.2025 and 31.10.2025, the application and FI were published for public inspection. During the statutory publication periods, one public comment was received from an individual (**Appendix IV**) objecting to the application mainly on the grounds that the application intends to legitimise the unapproved filling of land but not for genuine agricultural activity; the Site is currently hard paved with some columns erected atop; the Site is currently subject to an active planning enforcement case (No. E/YL-KTS/529); and there is no justification for approving this application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed and regularisation of filling of land with concrete in a depth of not more than 0.1m for the entire site (of about 207m²)⁵ for permitted agricultural use (i.e. a goat shed for dairy farm of goat milk) at the Site zoned “AGR” (**Plan A-1**). While ‘Agricultural Use’ is always permitted within the “AGR” zone, filling of land requires planning permission as it may cause adverse drainage and environmental impacts on the adjacent areas. According to the applicant, the filling of land under the current application is required to support the erection of a new goat shed with an associated underground septic tank and for processing of residue from the septic tank (**Drawings A-2 and A-3**) for establishment of a goat dairy farm. The new goat shed will replace the existing dilapidated goat shed to the immediate north of the Site within “CA” zone (**Plan A-2**) and the concrete paving under the new goat shed is to fulfil relevant requirements in terms of environmental concerns and hygiene for the operation of the goat dairy farm. The applicant intends to apply for Dairy Licence and other relevant licences for the production and sale of goat milk and milk products. In this regard, DAFC and DFEH have no comments on the application from agriculture/public health and food business licensing policy perspectives respectively. Should the application be approved by the Committee, the applicant will be advised to liaise with AFCD and FEHD on the compliance with the necessary regulatory requirements for establishment and operation of a goat dairy farm for production and sale of milk products. Moreover, CE/MN, DSD and DEP have no objection to the application from public drainage and environmental planning perspectives respectively.
- 11.2 The proposed and regularisation of filling of land for permitted agricultural use is considered not incompatible with the surrounding areas which comprise a dilapidated goat shed and woodland within the “CA” zone, a residential structure and grassland within the “AGR” zone and parking of vehicles within an area shown as ‘Road’ as well as several highway infrastructures. Noting that the boundary of the Site does not encroach onto the adjacent “CA” zone (**Plans A-1 and A-2**) and there will be fencing erected along the northern boundary of the Site for the new goat shed to avoid disturbance to the “CA” zone, DAFC has no comment on the application from nature conservation perspective. CTP/UD&L, PlanD also has no comment on the application from landscape planning perspective and advises that the proposed and regularisation of filling of land for permitted agricultural use is not incompatible with the surrounding landscape character and significant landscape impact arising from the application is not anticipated.
- 11.3 Other relevant government departments consulted, including C for T and D of FS, have no objection to or no adverse comment on the application. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. Regarding DLO/YL, LandsD’s concern on the unauthorised structure(s) erected within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. The applicant has also committed to rectifying the lease breaches as demanded by LandsD upon approval given by the Committee (**Appendix Id**).

⁵ It involves (i) regularisation of land filling works already undertaken at the Site for about 154m² (about 74% of the Site) for erection of a new goat shed (**Drawing A-2**); and (ii) proposed filling of land at the eastern portion of the Site for about 53m² (about 26% of the Site) for provision of the associated underground septic tank and processing of residue from the septic tank (**Drawing A-3**).

- 11.4 There is one approved similar application (No. A/YL-KTS/1037) in the past five years in the “AGR” zone located to the further east of the Site near Yuen Kong San Tsuen within the same OZP (**Plan A-1**) as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decision.
- 11.5 Regarding the public comment as mentioned in paragraph 10 above, the departmental comments and planning assessments above are relevant. Besides, any unauthorized development(s) on the Site would be subject to planning enforcement and prosecution action.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the 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 until 8.5.2030, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a drainage proposal before commencement of the proposed land filling works on the site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) in relation to (a) above, the implementation of the drainage proposal upon completion of the proposed land filling works on the site to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (c) if any of the above planning condition (a) or (b) is not complied with before commencement or upon completion of the proposed land filling works respectively, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory clauses

The recommended advisory clauses are at **Appendix III**.

- 12.3 Alternatively, should the Board decide to reject the application, the following reason for rejection is suggested for Members’ reference:

there is no strong planning justification in the submission for a departure from the planning intention.

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.
- 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 29.9.2025 and SI received on 13.10.2025
Appendix Ia	FI received on 15.10.2025
Appendix Ib	FI received on 21.10.2025
Appendix Ic	FI received on 28.11.2025
Appendix Id	FI received on 31.12.2025
Appendix Ie	FI received on 12.1.2026 and 13.1.2026
Appendix If	FI received on 27.1.2026
Appendix Ig	FI received on 18.3.2026
Appendix Ih	FI received on 2.4.2026
Appendix II	Similar Application
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comment
Drawing A-1	Revised Site Boundary Plan
Drawing A-2	Proposed Layout and Land Filling Plan
Drawing A-3	Plan showing the Location of the Proposed Septic Tank
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2026**