

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-STK/33

<u>Applicant</u>	:	Mr. KO Chor Kap represented by 高維基先生
<u>Site</u>	:	Lot 1 in D.D. 40 and Adjoining Government Land (GL), Sheung Tam Shui Hang, Sha Tau Kok
<u>Site Area</u>	:	About 1,550m ² (including GL of about 212m ² or 14% of the Site)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/2
<u>Zonings</u>	:	(i) “Village Type Development” (“V”) (about 1,338m ² or 86% of the Site) (ii) “Green Belt” (“GB”) (about 212m ² or 14% of the Site)
<u>Application</u>	:	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) 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) for a period of three years at the application site (the Site) falling within an area zoned “V” and “GB” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” and “GB” zones, ‘Place of Recreation, Sports or Culture’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is largely vacant, partly covered with vegetation and partly fenced-off.
- 1.2 The Site is accessible via Shan Tsui Village Road (**Plan A-2**). According to the applicant, the proposed use comprises a cultivation area of about 950m² (about 61% of the Site) and a single-storey structure with a floor area of not more than 200m² and 6m in height for office, kitchen, washroom and resting area for guests. Septic tank will be installed within the Site to treat sewage generated by the proposed use. A loading/unloading (L/UL) bay for light goods vehicle (7m(L) x 3.5m(W)) is proposed at the Site. The applicant proposes excavation and filling of land at part of the Site falling within “V” zone (about 580m² or about 37% of the Site) for site formation of the proposed structure, L/UL bay and vehicular access¹. The operation hours of the proposed use are between 9:00a.m. to 6:00p.m. from Mondays to Sundays including public holidays. The layout plan and land filling plan submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively.

¹ According to the Notes of the OZP for “V” zone, excavation and filling of land do not require planning permission from the Board.

- 1.3 According to the applicant, the cultivation area will be subdivided and rented to the public. The Site will accommodate a maximum of 60 visitors. Visitors who are not lessees of the cultivation area will not be allowed to enter the Site on weekends or public holidays. No parking spaces will be provided for visitors, and signage will be displayed to prohibit parking. Also, staff will be deployed to manage crowd control and vehicle entering/leaving the Site, and to ensure pedestrian safety.
- 1.4 In support of the application, the applicant has submitted the following documents:
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|-----|---|---------------|
| (a) | Application Form with attachments received on 9.4.2026 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 13.4.2026 | (Appendix Ia) |
| (c) | Further Information (FI) received on 11.5.2026 and 12.5.2026* | (Appendix Ib) |
| (d) | FI received on 21.5.2026* | (Appendix Ic) |
| (e) | FI received on 27.5.2026* | (Appendix Id) |
| (f) | FI received on 23.7.2026* | (Appendix Ie) |
- *accepted and exempted from publication and recounting requirements*
- 1.5 On 5.6.2026, 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 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, SI and FIs at **Appendices I to Ie**, as summarised below:

- (a) the proposed hobby farm is intended for the enjoyment of the public and tourists through participation in farming activities;
- (b) the “GB” portion of the Site does not involve any land filling works and will not be subject to any hard-paving;
- (c) no car parking spaces will be provided to the visitors, and adverse traffic impact is not anticipated. The visitors may access the Site by using existing public transportation system at Sha Tau Kok Road, or park their vehicles at the nearby carpark, which is about a five-minute walking distance to the Site; and
- (d) the applicant undertakes to liaise with the Lands Department (LandsD) and the surrounding land owner(s) regarding the inclusion of GL for the proposed use.

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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consent of a “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent/Notification” Requirements under TPB PG-No. 31B are not applicable.

4. Background

The Site was largely the subject of a planning enforcement case against an unauthorized development (UD) involving storage use. An Enforcement Notice was issued on 13.12.2024. Subsequent site inspection revealed that the UD had been discontinued. The Compliance Notice was issued on 29.8.2025.

5. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 10 for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) is relevant to this application. The relevant assessment criteria are at **Appendix II**.

6. Previous Application

The Site is not the subject of any previous application.

7. Similar Application

There is no similar application for the same use within the same “V” and “GB” zones in the vicinity of the Site in the past five years.

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

8.1 The Site is:

- (a) largely vacant, partly covered by vegetation and partly fenced-off; and
- (b) accessible via Shan Tsui Village Road.

8.2 The surrounding areas are of rural character mainly comprising village houses, active agricultural land, parking of vehicles and vacant land. To the north and west are the vegetated areas zoned “GB”. To the south are unused and agricultural land, and clusters of village houses.

9. Planning Intentions

9.1 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted Houses. Other commercial, community and recreational uses may be permitted on application to the Board.

- 9.2 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices III and IV** respectively.
- 10.2 The following government department objects to the application:

Land Administration

10.2.1 Comments of the District Lands Officer/North, LandsD (DLO/N, LandsD):

- (a) he objects to the application;
- (b) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The proposed ingress/egress points of the Site are required to pass through GL but no right of access via GL is granted to the Site;
- (c) no consent is given for inclusion of GL (about 212m²) for the proposed use/access road. Any occupation of GL without Government’s prior approval is an offence. There is no guarantee that the GL within the Site shall be allowed for the proposed use/ingress or egress points. The GL adjoining Lots 3 S.A, 3 S.B ss.1 and 3 S.B RP in D.D. 40 is included in the Site which is not acceptable;
- (d) the following irregularities covered by the subject planning application have been detected by his office:

unauthorised structure within the said private lot covered by the planning application

there is unauthorised structure on the said private lot. The lot owner should immediately rectify/regularise the lease breaches and his office reserves the rights to take necessary enforcement action against the breaches without further notice;

- (e) the following irregularities not covered by the planning application have been detected by his office:

unlawful occupation of GL not covered by the planning application

the GL adjoining the said private lot has been fenced off and illegally occupied with and without unauthorised structure without permission. The GL being illegally occupied is not included in the application. The applicant

should clarify the extent of the Site. Any occupation of GL without Government's prior approval is an offence under the Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (f) the lot owner/applicant shall remove the unauthorised structure and cease the illegal occupation of the GL not covered by the subject planning application immediately, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for a Short Term Waiver (STW) (on whole lot basis) to permit the structure(s) erected/to be erected. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL;
- (g) unless and until the unauthorised structure(s) and the unlawful occupation of GL are duly rectified by the lot owner(s)/applicant, he objects to the application which must be brought to the attention of the Board when they consider the application;
- (h) no Small House application has been received for the subject lot; and
- (i) his advisory comments are at **Appendix IV**.

10.3 The following government department provides views on the application:

Traffic

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

- (a) she has no comment on the application from traffic engineering point of view;
- (b) taking into consideration that Shan Tsui Village Road is a one-lane-two-way carriageway, should the application be approved, approval condition on implementation of traffic management measures as proposed by the applicant should be included. Also, the implemented traffic management measures should be maintained at all times during the planning approval period; and
- (c) her advisory comments are at **Appendix IV**.

11. Public Comments Received During Statutory Publication Period

On 17.4.2026, the application was published for public inspection. During the statutory public inspection period, three comments were received (**Appendix V**). A comment from an individual

objects to the application mainly on the ground that the proposed land filling area is excessive; there are insufficient facilities provided for the proposed use; and the Site is intended for brownfield operation. 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.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years at the Site falling within an area zoned “V” (about 86%) and “GB” (about 14%) on the OZP. While the proposed use is not in line with the planning intentions of the “V” and “GB” zones, DLO/N, LandsD advises that no Small House application has been received for the subject lot, and the Director of Agriculture, Fisheries and Conservation (DAFC) has no strong view on the application from nature conservation perspective. In view of the above and taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of three years.
- 12.2 The Site is situated in an area of rural character mainly comprising village houses, active agricultural land, parking of vehicles and vacant land. The proposed use involving hobby farm is considered not entirely incompatible with the surrounding areas.
- 12.3 According to TPB PG-No.10, an application for new development within the “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity as well as the design and layout of the proposed development should be compatible with the character of surrounding areas. Passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration. It should be noted that only 14% of the Site (about 212m²) falls within the “GB” zone. According to the applicant, while the concerned “GB” portion of the Site is designated as cultivation area with no structures proposed, the proposed structures/ filling of land for site formation would take place only in the area zoned “V”. 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 significant adverse landscape impact arising from the application is not anticipated. In view of the above, the proposed use is considered generally not in conflict with TPB PG-No. 10. As the Site is partly zoned “GB”, an approval condition requiring the reinstatement of the “GB” portion of the Site upon expiry of the planning permission so as to uphold the planning intention of the “GB” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 12.4 Other relevant government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Director of Environmental Protection have no objection to or no adverse comment on the application. While C for T has no comment on the application, taking into consideration that Shan Tsui Village Road is a one-lane-two-way carriageway, she recommends imposing approval conditions on the implementation and maintenance of traffic management measures as proposed by the applicant. To address the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will be advised to follow the requirements of the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any

possible environmental impact on the surrounding area. Regarding DLO/N, LandsD's concern on the unauthorised structures erected within the Site and unlawful occupation of GL adjoining the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 12.5 Regarding the public comments as detailed in paragraph 11, the government departments' comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11 above, PlanD has no objection to the application.
- 13.2 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 11.9.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a 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 11.3.2027;
- (b) in relation to (a) above, the implementation of the 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 11.6.2027;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 11.3.2027;
- (e) in relation to (d) 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 11.6.2027;
- (f) the implementation of the 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 11.6.2027;
- (g) in relation to (f) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (h) if any of the above planning condition (c) or (g) 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;

- (i) if any of the above planning condition (a), (b), (d), (e) or (f) 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
- (j) upon expiry of the planning permission, the reinstatement of the “GB” portion of the Site, including the grassing the “GB” portion 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**.

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

the proposed use is not in line with the planning intention of the “V” zone which is primarily for development of Small Houses by indigenous villagers. It is also not in line with the planning intention of the “GB” zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets, and there is a general presumption against development within the “GB” zone. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with attachments received on 9.4.2026
Appendix Ia	SI received on 13.4.2026
Appendix Ib	FI received on 11.5.2026 and 12.5.2026
Appendix Ic	FI received on 21.5.2026
Appendix Id	FI received on 27.5.2026
Appendix Ie	FI received on 23.7.2026
Appendix II	Extract of TPB PG-No. 10
Appendix III	Government Departments’ General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	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
SEPTEMBER 2026