

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/777

- Applicant** : Mrs. NG LI Kum Lin represented by Conrad Tang & Associates Limited
- Site** : Lot 1902 S.A RP in D.D. 76, Leng Tsai Tsuen, Ta Kwu Ling, New Territories
- Site Area** : 1,374.3 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP)
No. S/NE-TKL/14
- Zoning** : “Agriculture” (“AGR”)¹
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for
a Period of Three Years and Associated Filling of Land

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 and associated filling of land 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 within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently hard paved, fenced-off and occupied by some structures.
- 1.2 The Site is accessible via a local track leading to Sha Tau Kok Road – Ma Mei Ha (**Plan A-1**). According to the applicant, the proposed use involves five single-storey structures (with building height ranging from 2.8m to 3.9m) with a total floor area of about 224m² for ancillary office and reception, agricultural education room and activity room, ancillary storage (including farm tools, farming materials, seed storage and farm products), toilet and changing room, and a shelter for parking spaces. About 854m² (about 62%) of the Site will be used for farming areas (including food crops and fruit planting). Six existing trees within the Site will be retained. Three private car parking spaces (one for staff and two for visitors) and one loading/unloading bay for light goods vehicle are proposed within the Site. No coach, medium or heavy goods vehicles will be allowed to enter the Site.

¹ About 17.7m² (i.e. 1.3%) of the Site falls within the “Village Type Development” (“V”) zone, which is considered as minor boundary adjustment and not included in the planning assessment.

The proposed operation hours are between 10:00 a.m. and 5:00 p.m. daily, including Sundays and public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 The applicant also applies for regularisation of filling of land (about 520m², or 38% of the Site) with concrete of not more than 0.2m in depth for operation need of the hobby farm (**Drawing A-1**). According to the applicant, part of the existing hard paving at the Site will be removed to tally with the proposed layout plan and the area of hard paving is kept to minimal. The applicant undertakes to remove the hard paving and reinstate the Site for agricultural use upon expiry of the planning approval.
- 1.4 According to the applicant, the proposed use will mainly be used by the applicant's relatives and friends, and will be open to the public on weekends and public holidays for a fee and by reservation. No barbeque activities or other recreational facilities will be involved. No public announcement system or any form of amplification system will be used at the Site. A maximum of ten visitors per day is anticipated and two staff will be working at the Site. Staff will guide visitors into the Site to ensure no conflict between pedestrian and vehicles. The applicant has submitted a proposed drainage plan to support the application (**Drawing A-2**).
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 20.9.2024 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 24.9.2024 (**Appendix Ia**)
 - (c) Further Information (FI) received on 4.1.2025* (**Appendix Ib**)
 - (d) FI received on 12.2.2025* (**Appendix Ic**)

** accepted and exempted from publication and recounting requirements*

- 1.6 On 8.11.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months.

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 FI at **Appendices I to Ic**, as summarised below:

- (a) the proposed use meets the huge demand for recreational organic/hobby farming activities and help promote sustainable organic farming in Hong Kong. It is in line with the government policy on promoting agriculture;
- (b) the farming activity in the proposed use is similar to agricultural use, which is always permitted in "AGR" zone. The proposed use on a temporary basis would not jeopardise the long-term planning intention of the "AGR" zone;
- (c) the proposed development intensity is considered reasonable and the proposed use is generally not incompatible with the surrounding areas comprising village houses, cultivated/fallow agricultural land and temporary structures;
- (d) there was a similar application for hobby farm use within "AGR" zone approved by the Committee;

- (e) the applicant will follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (COP) issued by the Environmental Protection Department to minimise possible environmental impacts and nuisance to the surrounding areas. No herbicide, pesticide or chemical fertiliser will be used at the Site. No adverse or significant traffic, environmental, drainage or sewerage impacts are anticipated; and
- (f) the applicant will submit fire service installations and detailed drainage proposals and apply to the District Lands Officer/North of Lands Department (DLO/N, LandsD) for Short Term Waiver for the structures upon approval of the application.

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

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

4. Background

Part of the Site is the subject of an active enforcement case No. E/NE-TKL/488 regarding unauthorized filling of land (**Plan A-2**). A Reinstatement Notice (RN) was issued on 5.4.2024 upon discontinuation of the unauthorized development, requiring the notice recipients to (i) remove the leftovers, debris and fill materials (including the hard paving) on the land; and (ii) to grass the land by 5.7.2024. As the Site has not been reinstated upon expiry of the RN, prosecution action is being considered. The Site is under monitoring by the Planning Authority.

5. Previous Application

The Site is not subject to 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.

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

7.1 The Site is:

- (a) hard paved, fenced-off and occupied by some structures; and
- (b) accessible via a local track leading to Sha Tau Kok Road – Ma Mei Ha.

7.2 The surrounding areas are of rural character comprising mainly domestic structures, fallow agricultural land, parking of vehicles and a kennel. The village cluster of Leng Tsai is located to the south. Ng Tung River is located to the north.

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 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 II** and **III** respectively.

10. Public Comments Received During Statutory Publication Period

- 10.1 On 27.9.2024, the application was published for public inspection. During the statutory public inspection period, 26 public comments were received (**Appendix IV**). 12 comments from the residents of Leng Tsai (one of which encloses 125 signatures, and two were from the Indigenous Resident Representative (IRR) and Resident Representative of Leng Tsai) and eight comments from individuals object to the application. Major grounds of the objection are that the Site is currently being used as a barbeque site and has been creating nuisance to the local residents; the proposed use would result in noise and adverse impacts on traffic, air quality and the environment, causing nuisance to the local residents as the Site is in close proximity to Leng Tsai; it would cause safety issues as more visitors and vehicles parking will be attracted to Leng Tsai; visitors should utilise the existing hobby farms in nearby districts instead; the extensive filling of land at the Site would cause flooding during rainy season and change in landscape; the application is intended to avoid the compliance with RN or for future residential use; and the approval of the application would set an undesirable precedent for similar use at the area.
- 10.2 Three comments from the Chairman, 1st Vice-chairman and 2nd Vice-chairman of Fanling District Rural Committee on behalf of the IRR and residents of Leng Tsai object to the application mainly on the grounds of adverse impacts on hygiene, sewerage and noise arising from the proposed use; and the presence of water main laying underground of the Site. One comment received from The Conservancy Association expresses concerns on the application due to absence of information on how the land would be recovered upon expiry of the planning approval, site management and operational plans; and noise nuisance arising from the proposed use. The remaining two comments from a member of the North District Council and an individual indicate 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) for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP. The planning intention of the “AGR” zone 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. According to the applicant, about 854m² (about 62%) of the Site will be used for farming activities. The proposed use is generally not in conflict with the planning intention of the “AGR” zone. The Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural perspective. Taking into account the planning assessments below, there is no objection to the proposed use on temporary basis of three years with associated filling of land.

- 11.2 The application involves regularisation of filling of land at the Site (about 520m² or 38%) with concrete of not more than 0.2m in depth. 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 (DEP) have no objection to the application from drainage and environmental 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 Site is located in an area of rural character comprising mainly domestic structures, fallow agricultural land, parking of vehicles and a kennel. The proposed use is considered not entirely incompatible with the surrounding environment. The Chief Town Planner/Urban Design and Landscape of Planning Department has no objection to the application from the landscape planning perspective and considers that significant adverse impact on landscape character and existing landscape resources within the Site arising from the proposed use is not anticipated.
- 11.4 While DEP has no objection to the application from the environmental planning perspective, an approval condition restricting the use of public announcement system, portable loudspeaker or any form of audio amplification system within the Site is recommended. Other relevant departments consulted, including the Commissioner for Transport, Director of Fire Services, Chief Engineer/Construction of Water Supplies Department and DLO/N, LandsD have no objection to/ no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.5 Regarding the public comments as detailed in paragraph 10 above, the government departments’ comments and planning assessments above are relevant. Regarding the concern on the noise and nuisance to the local residents, the applicant advises that no barbeque activity will be carried out at the Site. Also, an approval condition restricting the use of loudspeaker or audio amplification system is recommended.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department 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 3 years until 28.2.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no public announcement system, portable loudspeaker or any form of audio amplification system, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) 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 28.8.2025;
- (c) in relation to (b) above, the provision of drainage facilities 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 28.11.2025;
- (d) in relation to (c) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) 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 28.8.2025;
- (f) in relation to (e) 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 28.11.2025;
- (g) if any of the above planning condition (a) or (d) 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;
- (h) if any of the above planning condition (b), (c), (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
- (i) upon expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials 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 III**.

- 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. It is also intended 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 20.9.2024
Appendix Ia	SI received on 24.9.2024
Appendix Ib	FI received on 4.1.2025
Appendix Ic	FI received on 12.2.2025
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**