

**APPLICATION FOR EXTENSION OF TIME
FOR COMPLIANCE WITH PLANNING CONDITIONS
UNDER SECTION 16(A)2 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/NE-TK/678-15

- Applicant** : Great City Holdings Limited represented by R-riches Property Consultants Limited
- Site** : Lots 605 (Part), 606 (Part), 607, 608 (Part), 610 (Part), 611, 612, 613 (Part), 614 (Part), 622 (Part), 623, 624 S.A (Part), 625 S.A (Part), 626, 627 S.A & S.B, 628 S.A, 628 RP, 629, 630, 631 S.A, 631 RP, 632 S.A, 632 S.B RP, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644 S.A, 644 S.B (Part), 645 (Part), 646 (Part), 656 (Part), 657, 658 (Part), 662, 663, 664, 665, 666, 667 RP, 668 RP, 669, 690 RP, 1274 RP, 1275, 1276, 1277 RP, 1278, 1343 S.B ss. 1 (Part), 1346 S.A RP, 1346 S.B ss.1 (Part) and 1347 S.A (Part) in D.D. 17, and Adjoining Government Land (GL), Ting Kok Road, Tai Po, New Territories
- Site Area** : About 16,273m² (including GL of about 32m²)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
- Zoning** : “Agriculture” (“AGR”) (about 95%) and area shown as ‘Road’ (5%)
- Application** : Class B Amendment – Category 19
Extension of time (EOT) for compliance with conditions (e), (g), (i) and (k) for the approved temporary place of recreation, sports or culture (hobby farm) with ancillary facilities and canteen for a period of five years and partial filling of land under Application No. A/NE-TK/678

1. Background

- 1.1 On 10.1.2020, the applicant sought planning permission under s.16 of the pre-amended Town Planning Ordinance¹ for proposed temporary place of recreation, sports or culture (hobby farm) with ancillary facilities and canteen for a period of five years and partial filling of land at the application site (the Site) (**Plan AA-1**). On 20.11.2020, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board/TPB) approved the application on a temporary basis for a period of five years until

¹ The “pre-amended Town Planning Ordinance” refers to the Town Planning Ordinance as in force immediately before 1.9.2023.

20.11.2025 subject to the following conditions (approval letter dated 4.12.2020 at **Appendix I**):

- (a) part of the Site, as proposed by the applicant, shall only be filled up to a depth not exceeding 0.2m;
- (b) no operation between 9:00p.m. and 9:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site at any time during the planning approval period;
- (d) 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 (D of DS) or of the TPB by 20.5.2021;
- (e) in relation to (d) above, the implementation of the revised drainage proposal within 9 months from the date of planning approval to the satisfaction of the D of DS or of the TPB by 20.8.2021;
- (f) the submission of a proposal for water supplies for firefighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services (D of FS) or of the TPB by 20.5.2021;
- (g) in relation to (f) above, the provision of the water supplies for firefighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the D of FS or of the TPB by 20.8.2021;
- (h) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways (D of Hy) or of the TPB by 20.5.2021;
- (i) in relations to (h) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the D of Hy or of the TPB by 20.8.2021;
- (j) the submission of a pedestrian crossing proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport (C for T) or of the TPB by 20.5.2021;
- (k) in relation to (j) above, the implementation of the pedestrian crossing proposal within 9 months from the date of planning approval to the satisfaction of the C for T or of the TPB by 20.8.2021;
- (l) if any of the above planning condition (a), (b) or (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;

- (m) if any of the above planning condition (d), (e), (f), (g), (h), (i), (j) or (k) 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
- (n) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

1.2 Since the approval of the application, a total of 14 s.16A applications for EOT for compliance with approval conditions (d) to (k) were granted as follows:

- (a) first EOT – on 12.5.2021, time limits for conditions (d) to (k) were extended to a total of 12 months until 20.11.2021 (Application No. A/NE-TK/678-1, relevant approval letter at **Appendix Ia**);
- (b) second EOT – on 5.11.2021, time limits for conditions (d) to (k) were extended to a total of 15 months until 20.2.2022 (Application No. A/NE-TK/678-2, relevant approval letter at **Appendix Ib**);
- (c) third EOT – on 11.2.2022, time limits for conditions (d) to (k) were extended to a total of 18 months until 20.5.2022 (Application No. A/NE-TK/678-3, relevant approval letter at **Appendix Ic**);
- (d) fourth EOT – on 25.4.2022, time limits for conditions (d), (e), (g), (h), (i), (j) and (k) were extended to a total of 21 months until 20.8.2022 (Application No. A/NE-TK/678-4, relevant approval letter at **Appendix Id**);
- (e) fifth EOT – on 21.7.2022, time limits for conditions (d), (e), (g), (h), (i), (j) and (k) were extended to a total of 24 months until 20.11.2022 (Application No. A/NE-TK/678-5, relevant approval letter at **Appendix Ie**);
- (f) sixth EOT – on 2.11.2022, time limits for conditions (d), (e), (g), (i) and (k) were extended to a total of 27 months until 20.2.2023 (Application No. A/NE-TK/678-6, relevant approval letter at **Appendix If**);
- (g) seventh EOT – on 20.1.2023, time limits for conditions (e), (g), (i) and (k) were extended to a total of 30 months until 20.5.2023 (Application No. A/NE-TK/678-7, relevant approval letter at **Appendix Ig**);
- (h) eighth EOT – on 3.5.2023, time limits for conditions (e), (g), (i) and (k) were extended to a total of 33 months until 20.8.2023 (Application No. A/NE-TK/678-8, relevant approval letter at **Appendix Ih**);
- (i) ninth EOT – on 1.8.2023, time limits for conditions (e), (g), (i) and (k) were extended to a total of 36 months until 20.11.2023 (Application No. A/NE-TK/678-9, relevant approval letter at **Appendix Ii**);

- (j) tenth EOT – on 16.11.2023, time limits for conditions (e), (g), (i) and (k) were extended to a total of 39 months until 20.2.2024 (Application No. A/NE-TK/678-10, relevant approval letter at **Appendix Ij**);
- (k) 11th EOT – on 6.2.2024, time limits for conditions (e), (g), (i) and (k) were extended to a total of 41 months until 20.4.2024 (Application No. A/NE-TK/678-11, relevant approval letter at **Appendix Ik**);
- (l) 12th EOT – on 3.4.2024, time limits for conditions (e), (g), (i) and (k) were extended to a total of 43 months until 20.6.2024 (Application No. A/NE-TK/678-12, relevant approval letter at **Appendix Il**);
- (m) 13th EOT – on 14.6.2024, time limits for conditions (e), (g), (i) and (k) were extended to a total of 45 months until 20.8.2024 (Application No. A/NE-TK/678-13, relevant approval letter at **Appendix Im**); and
- (n) 14th EOT – on 8.8.2024, time limits for conditions (e), (g), (i) and (k) were extended to a total of 47 months until 20.10.2024 (Application No. A/NE-TK/678-14, relevant approval letter at **Appendix In**).

1.3 During the above extension periods, the applicant had made submissions for compliance with conditions (d), (f), (h) and (j). The submissions were considered acceptable by the Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD), D of FS, Chief Highway Engineer/New Territories East of Highways Department (CHE/NTE of HyD) and C for T respectively. The submissions for condition (i) and (k) were considered not acceptable by CHE/NTE, HyD and C for T respectively. No submission has been made so far for compliance with conditions (e) and (g).

1.4 The time limit for compliance with approval conditions (e), (g), (i) and (k) was expired on 20.10.2024. In accordance with approval condition (m), if any of these conditions is not complied with by the specified date, the approval will cease to have effect and shall on the same date be revoked without further notice.

2. The Proposal

On 16.9.2024, the applicant submitted a s.16A application for Class B amendment (Category 19) for the 15th EOT (**Appendix II**) for conditions (e), (g), (i) and (k) from 9 months to 49 months until 20.12.2024 (i.e. an addition of 40 months from the original approval or an addition of two months from last approval).

3. Justifications from the Applicant

The justifications put forth by the applicant in support of the application as detailed in the Application Form at **Appendix II** are summarized below:

- (a) the applicant submitted the application of Short Term Waiver (STW) to the Lands Department (LandsD) on 1.12.2020 for the erection of structures at the

Site, and is still awaiting approval of STW. Implementation works in relation to condition (g) cannot be proceeded until the STW is obtained; and

- (b) the applicant plans to commence all implementation works in relation to conditions (e), (g), (i) and (k) in one go, in order to better manage the construction progress and reduce labour and maintenance costs. Implementation works will commence after obtaining the STW from LandsD. More time is required to comply with the approval conditions.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 34C (TPB PG-No. 34C) for “Renewal of Planning Approval and EOT for Compliance with Planning Conditions for Temporary Use or Development”² is relevant to this application. The relevant assessment criteria are at **Appendix III**.

5. Comments from Relevant Government Departments

As approval conditions (e), (g), (i) and (k) are related to drainage, fire safety, traffic and pedestrian safety aspects respectively, CE/MN, DSD, D of FS, CHE/NTE, HyD and C for T have been consulted. They have no comment on or no objection to this EOT application.

6. Planning Considerations and Assessment

- 6.1 This is the 15th EOT application for compliance with approval conditions (e), (g), (i) and (k). In approving the 14th EOT application No. A/NE-TK/678-14 on 8.8.2024 (approval letter at **Appendix In**), the applicant was advised to expedite the action for compliance with the conditions, and was informed that it was the last EOT and no further extension would not be granted as reasonable time (i.e. a total of 47 months for a five-year temporary approval) has already been allowed for compliance.
- 6.2 In considering the EOT application, the assessment criteria listed in TPB PG-No. 34C are relevant (**Appendix III**). One of the key considerations is whether the applicant has given full justifications on why the planning conditions could not be complied with within the prescribed time limit. The applicant’s only justification for this EOT application is that they are awaiting for LandsD’s approval for STW prior to the compliance with approval conditions (e), (g), (i) and (k). According to the District Lands Officer/Tai Po (DLO/TP), LandsD, the applicant was invited to respond to the local objections (mainly related to traffic and environmental hygiene aspects) raised during the Short Term Tenancy (STT) and STW applications stage before further processing these applications. However, her office has not yet received a reply from the applicant. In addition,

² The TPB PG-No. 34C concerning applications for EOT for compliance with approval conditions is applicable to the planning applications approved before 24.8.2021. Since the application was approved by the Committee on 20.11.2020, the TPB PG-No. 34C is still applicable to this application. The prevailing TPB PG-No. 34D promulgated on 24.8.2021 is not applicable to this application.

there are unauthorized structures on the Site. The applicant is required to clear any existing structures on the Site immediately unless they are covered by valid approval. LandsD reserves the rights to take necessary lease enforcement action against the breaches without further notice. It should be noted that it is the applicant's responsibility to obtain the necessary approvals in a timely manner under land administrative regime. There is no strong justification to demonstrate why the relevant conditions could not be complied with in the past 47 months.

- 6.3 Another assessment criteria set out in TPB PG-No. 34C is whether the applicant has demonstrated that reasonable action has been taken to comply with all or the outstanding planning conditions. Since the approval of the s.16 application on 20.11.2020, the applicant has taken actions to comply with the approval conditions (d), (f), (h) and (j) as set out in paragraph 1.3 above in relation to the submission of revised drainage proposal, proposal for water supplies for firefighting and fire service installation, run-in/out proposal and pedestrian crossing proposal. However, the applicant has failed to obtain STW and STT from LandsD in a reasonable timeframe which results in delaying the implementation works at the Site in association with compliance with the approval conditions (e), (g), (i) and (k).
- 6.4 Considering that sufficient time (i.e. a total of 47 months, equal to three quarters of the five-year temporary approval plus additional two months) has been allowed but the applicant has not taken reasonable actions to comply with approval conditions (e), (g), (i) and (k), the application is not in line with the assessment criteria of the TPB PG-No. 34C. In view of the above, the extension sought is not supported.

7. Planning Department's Views

Based on the assessment made in paragraph 6 above, Planning Department does not support the application for EOT for compliance with approval conditions (e), (g), (i) and (k) for the following reasons:

- (a) the applicant fails to provide strong justifications for further extension of the time limit for compliance with approval conditions (e), (g), (i) and (k); and
- (b) the applicant has not demonstrated that reasonable actions have been taken to comply with the approval conditions within the prescribed time limit.

8. Decision Sought

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

9. Attachments

Appendix I

Approval Letter under Application No. A/NE-TK/678 dated 4.12.2020

Appendix Ia	Approval Letter under Application No. A/NE-TK/678-1 dated 12.5.2021
Appendix Ib	Approval Letter under Application No. A/NE-TK/678-2 dated 5.11.2021
Appendix Ic	Approval Letter under Application No. A/NE-TK/678-3 dated 11.2.2022
Appendix Id	Approval Letter under Application No. A/NE-TK/678-4 dated 25.4.2022
Appendix Ie	Approval Letter under Application No. A/NE-TK/678-5 dated 21.7.2022
Appendix If	Approval Letter under Application No. A/NE-TK/678-6 dated 2.11.2022
Appendix Ig	Approval Letter under Application No. A/NE-TK/678-7 dated 20.1.2023
Appendix Ih	Approval Letter under Application No. A/NE-TK/678-8 dated 3.5.2023
Appendix Ii	Approval Letter under Application No. A/NE-TK/678-9 dated 1.8.2023
Appendix Ij	Approval Letter under Application No. A/NE-TK/678-10 dated 16.11.2023
Appendix Ik	Approval Letter under Application No. A/NE-TK/678-11 dated 6.2.2024
Appendix Il	Approval Letter under Application No. A/NE-TK/678-12 dated 3.4.2024
Appendix Im	Approval Letter under Application No. A/NE-TK/678-13 dated 14.6.2024
Appendix In	Approval Letter under Application No. A/NE-TK/678-14 dated 8.8.2024
Appendix II	Application Form received on 16.9.2024
Appendix III	The Town Planning Board Guidelines No. 34C (TPB PG-No. 34C) for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development”
Plan AA-1	Location Plan

**PLANNING DEPARTMENT
OCTOBER 2024**