

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-TK/778**

<b><u>Applicant</u></b>	: Mr. CHAN Yiu Kan represented by Metro Planning & Development Company Limited
<b><u>Site</u></b>	: Lot 552 (Part) in D.D. 17, Ting Kok, Tai Po, New Territories
<b><u>Site Area</u></b>	: About 147m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural purpose)
<b><u>Plan</u></b>	: Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<b><u>Zonings</u></b>	: (i) "Agriculture" ("AGR") (about 144m <sup>2</sup> or 98% of the Site) (ii) "Open Space" ("O") (about 3m <sup>2</sup> of 2% of the Site) <sup>1</sup>
<b><u>Application</u></b>	: 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 a proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years at the application site (the Site). The Site falls within an area zoned "AGR" on the OZP (**Plan A-1**). According to the Notes of the OZP, 'Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)' is a Column 2 use within the "AGR" zone requiring planning permission from the Town Planning Board (the Board). The Site is currently covered with vegetation.
- 1.2 According to the applicant, the proposed development comprises a farming area of about 92m<sup>2</sup> (i.e. about 63% of the Site) and a single-storey structure with a height of not more than 4m and a total floor area of about 40m<sup>2</sup> for storage of farm tools and fertilizers and toilet uses (**Drawing A-1**). The remaining uncovered area will be used for provision of drainage channels, which will involve excavation of land<sup>2</sup> of about 0.3m in depth (**Drawing A-2**). The entire

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<sup>1</sup> A very minor portion of the Site of about 3m<sup>2</sup> (i.e. 2% of the Site) falls within an area zoned "O" on the OZP, which can be regarded as minor boundary adjustment in accordance with the covering Notes of the OZP, and not included in the planning assessment.

<sup>2</sup> According to the Notes of the OZP, excavation of land within the "AGR" zone does not require planning permission from the Board.

Site will not be paved. The proposed operation hours are from 9:00 a.m. to 7:00 p.m. daily (including public holidays). The Site is accessible via a local track and a footpath branching off Ting Kok Road (**Plan A-1**), and no vehicular access or parking space will be provided. The layout plan, excavation plan and drainage proposal submitted by the applicant are shown in **Drawings A-1 to A-3**.

- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form and Supplementary Information (SI) (**Appendix I**) received on 1.6.2023 and 5.6.2023
  - (b) Further Information (FI) received on 11.9.2023\* (**Appendix Ia**)
  - (c) FI received on 24.10.2023\* (**Appendix Ib**)
  - (d) FI received on 4.12.2023\* (**Appendix Ic**)

*\*accepted and exempted from publication and recounting requirements*

- 1.4 On 28.7.2023 and 10.11.2023, the Rural and New Town Planning Committee (the Committee) agreed to the applicant's requests to defer making a decision on the application for a period of two months each to allow more time for the applicant to address departmental comments.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Application Form, SI and FIs at **Appendices I to Ic**, as summarized below:

- (a) the proposed development intends to rehabilitate farming practice on arable land by growing vegetables such as pak-choi, and is in line with the planning intention of the "AGR" zone. The idle site will be better utilized and managed in the form of hobby farm with the support of commercial operation. The proposed development could also provide a passive recreational outlet providing farming experience to urban dwellers;
- (b) the proposed use is compatible with the surrounding environment which mainly comprises vacant land;
- (c) there are planning approvals for similar hobby farm use within other "AGR" zones. Similar considerations should be given to the current application; and
- (d) the proposed development will accommodate a maximum of four visitors at one time. No public announcement system will be used and there will be no operation during sensitive hours. Also, the Site will not be paved and the applicant has submitted a drainage proposal (**Drawing A-3**) to support the application. Potential traffic, noise, environmental and drainage impacts on the surrounding areas will be minimal.

**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. 31A) by posting notice on the Site and sending notice to Tai Po Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Background**

The Site is currently not subject to any active enforcement action.

**5. Previous Application**

There is no previous application at the Site.

**6. Similar Applications**

6.1 There have been two similar applications (No. A/NE-TK/678 and 687) for temporary hobby farm use within the same “AGR” zone over the past five years (**Plan A-1**). Both cases were approved with conditions by the Committee between 2020 and 2021 mainly on considerations of not frustrating the long-term planning intention of the “AGR” zone; not incompatible with the surrounding land uses; and not causing significant adverse impacts on the surrounding areas.

6.2 Details of the similar applications are at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is :

- (a) currently covered with vegetation; and
- (b) accessible via a local track and a footpath branching off Ting Kok Road (**Plan A-1**).

7.2 The surrounding areas are predominantly rural in character with vacant land, active agricultural land, domestic structures and a plant nursery. To its east and south is an area reserved for open space development, which extends from Tai Mei Tuk and Tai Po Lung Mei Beach in the east and Plover Cove (Shuen Wan Hoi) in the south (**Plan A-1**) and is characterized by a tranquil and green setting (**Plan A-3**). About 170m to its west is a temporary barbecue site with valid planning permission (Application No. A/NE-TK/782) (**Plan A-3**). To its further north near Ting Kok Road are the sites of two temporary hobby farms with valid planning permission (Application No. A/NE-TK/678 and 687) (**Plan A-1**).

**8. Planning Intention**

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.

**9. Comments from Relevant Government Departments**

All 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. Public Comment Received During Statutory Publication Period (Appendix V)**

On 9.6.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly for reason of potential destroy-to-build case.

**11. Planning Considerations and Assessment**

11.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years 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 92m<sup>2</sup> (or about 63%) of the Site will be used for farming purpose. The proposed use is generally not in conflict with the planning intention of the “AGR” zone. Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural point of view. Taking into account the planning assessment below, the proposed use on a temporary basis for a period of three years could be tolerated.

11.2 The Site is currently covered with vegetation. The proposed use is considered not incompatible with the surrounding land uses which are predominantly rural in character with vacant land, active agricultural land, domestic structures and a plant nursery (**Plans A-2** and **A-3**). Chief Town Planner/Urban Design and Landscape of Planning Department has no objection to the application from landscape planning perspective and advises that significant adverse impact on existing landscape resources arising from the proposed use is not anticipated.

11.3 The Site is not accessible by vehicles and only accessible on foot. According to the applicant, no public announcement system will be used and there will be no operation during sensitive hours. The Site will not be paved. The applicant has also submitted a drainage proposal to support the application. Significant adverse traffic, environmental and drainage impacts arising from the proposed use on the surrounding areas are not anticipated. Relevant government departments consulted including Commissioner for Transport, Director of

Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to/no adverse comment on the application.

- 11.4 There have been two similar applications (No. A/NE-TK/678 and 687) for temporary hobby farm use within the same “AGR” zone over the past five years. Both were approved by the Committee between 2020 and 2021 mainly on considerations of not frustrating the long-term planning intention of the “AGR” zone; not incompatible with the surrounding land uses; and not causing significant adverse impacts on the surrounding areas. The planning circumstances of the current application are similar to these approved ones.
- 11.5 Regarding the public comment on the application as detailed in paragraph 10, the planning assessment above is relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessment made in paragraph 11, and having taken into account the public comment mentioned in paragraph 10 above, 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 three years until 26.1.2027. The following approval conditions and advisory clauses are also suggested for Members’ reference:

### Approval Conditions

- (a) 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 or of the Town Planning Board by 26.7.2024;
- (b) in relation to (a) above, the implementation of the revised 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 26.10.2024;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a proposal for fire service installations (FSIs) and water supplies for fire-fighting 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 26.7.2024;
- (e) in relation to (d) above, the implementation of the FSIs and water supplies for fire-fighting 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 26.10.2024;

- (f) if any of the above planning condition (a), (b), (d) or (e) 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;
- (g) if the above planning condition (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; and
- (h) 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 Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

12.3 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 "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 current 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) 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**

<b>Appendix I</b>	Application Form and SI received on 1.6.2023 and 5.6.2023
<b>Appendix Ia</b>	FI received on 11.9.2023
<b>Appendix Ib</b>	FI received on 24.10.2023
<b>Appendix Ic</b>	FI received on 4.12.2023
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses

<b>Appendix V</b>	<b>Public comment</b>
<b>Drawing A-1</b>	Layout plan submitted by the applicant
<b>Drawing A-2</b>	Excavation plan submitted by the applicant
<b>Drawing A-3</b>	Drainage proposal submitted by the applicant
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
JANUARY 2024**