

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-SKW/127

- Applicant** : Dog Child Limited represented by Metro Planning & Development Company Limited
- Site** : Lot 1393 RP in D.D.375, So Kwun Wat, Tuen Mun, New Territories
- Site Area** : About 500m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved So Kwun Wat Outline Zoning Plan (OZP) No. S/TM-SKW/15
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years and associated Excavation 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 excavation of land at the application site (the Site) zoned “GB” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “GB” zone, ‘Place of Recreation, Sports or Culture’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Furthermore, excavation of land within the “GB” zone also requires planning permission from the Board. The Site is currently covered by soil and grass and topped with artificial grass mats; and a container, some wooden boxes and miscellaneous items are deposited on the Site (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible from So Kwun Wat Tsuen Road via a local track with the ingress/egress located at its southwestern corner. (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-1**, about 62% of the Site (i.e. 310m²) will be used for cultivation purpose for growing Pak Choi and retaining the existing *Musa Paradisiaca*, while a single-storey structure (about 3.5m in height) with a floor area not exceeding 60m² is proposed as a storage room for farm tools and seeds, rain shelter with toilet and the relocated electricity meter box. One visitor private car parking space will be provided.

- 1.3 The application also involves the regularisation of the excavation of land (about 25.2m² or 5.04% in area and 0.3m in depth) for provision of surface U-channel for dissipation of stormwater. According to the applicant, the proposed hobby farm will be opened from 9:00 a.m. to 7:00 p.m. daily, serving at most four visitors at the same time. No public announcement system will be allowed at the Site. Plans showing the site layout, excavation and planting proposals submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on **(Appendix I)**
15.7.2024
 - (b) Further Information (FI) received on 1.8.2024* **(Appendix Ia)**
 - (c) FI received on 29.10.2024* **(Appendix Ib)**
 - (d) FI received on 6.1.2025* **(Appendix Ic)**
 - (e) FI received on 28.1.2025* **(Appendix Id)**
- *accepted and exempted from publication and
recounting requirements*
- 1.5 On 8.9.2024 and 20.12.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices I to Id**. They can be summarised as follows:

- (a) the proposed development is a passive recreational outlet providing an opportunity for urban dwellers to experience the interest of farming, which is in line with the planning intention of the “GB” zone. Similar applications have been approved by the Board in the same “GB” zone and in “GB” zones on other OZPs in the past three years;
- (b) the idle site would be better utilised and managed in the form of commercial operation;
- (c) the proposed development is in line with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that it is compatible with the surrounding environment; and
- (d) no significant traffic, noise, environmental and drainage impacts will be generated.

3. **Compliance with the ‘Owner’s Consent/Notification’ Requirements**

The applicant is not the ‘current land owner’ of the Site 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 posting site notice and sending registered post to the Tuen Mun Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

TPB PG-No. 10 is relevant to the application. The relevant assessment criteria are detailed at **Appendix II**.

5. **Background**

The Site is not subject to any planning enforcement action.

6. **Previous Application**

There is no previous application concerning the Site.

7. **Similar Applications**

There are two similar applications within/straddling the same “GB” zone (No. A/TM-SKW/113 and 121) for temporary hobby farm for a period of three years and associated excavation of land in the past five years (**Plan A-1**). The applications were approved with conditions by the Committee on 4.3.2022 and 8.12.2023 respectively, mainly on considerations that the proposed hobby farm was generally in line with the planning intention of the “GB” zone and TPB PG-No. 10; the proposed development was not incompatible with the surrounding environment; and there was generally no adverse comment from concerned government departments and the technical concerns could be addressed by approval conditions. Details of these similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) covered by soil and grass and topped with artificial grass mats. A container, some wooden boxes and miscellaneous items are deposited on the Site;
- (b) accessible via a local track leading from So Kwun Wat Tsuen Road; and

(c) located within the So Kwun Wat Site of Archaeological Interest.

8.2 The surrounding areas are predominantly rural in nature composing mainly vacant and unused land, agricultural land, plant nurseries, village settlements (So Kwun Wat Tsuen Area 2) and some open storage yards. Some of these uses are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

9.1 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.

9.2 According to the Explanatory Statement of the OZP, as excavation of land may cause adverse impacts on the natural environment, permission from the Board is required for such activities.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 below, other 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 in **Appendices IV and V** respectively.

10.2 The following government department objects to the application:

Lands Administration

Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) objects to the application;
- (b) the Site comprises an Old Schedule Agricultural Lot, namely Lot 1393 R.P. in D.D. 375 (the Lot). The Lot was held under the Block Government Lease which contains restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) there is unauthorized structure(s), i.e. a meter box annotated SKWJ no. 02564, within the Site not covered by the current application and the said meter box is being used for other purposes instead of an ancillary facility for the proposed development which is still at planning stage. The lot owner(s) should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (d) unless and until the meter box within the Site is duly rectified by the lot owner(s)/applicant, he objects to the application;
- (e) the Site is accessible via a local access on Government Land (GL) leading from So Kwun Wat Tsuen Road. His office does not carry out maintenance works for the said GL or So Kwun Wat Tsuen Road nor has granted any right-of-way over the GL to the Site; and
- (f) his detailed advisory comments are at **Appendix V**.

11. Public Comment Received During the Statutory Publication Period

On 23.7.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from the an individual (**Appendix VI**) objecting to the application mainly on the grounds that the applicant has not demonstrated the landscape impact on the existing trees and vegetation; and the proposed development would involve filling of land as part of the Site would be built over.

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 and associated excavation of land at the Site zoned “GB” on the OZP (**Plan A-1**). According to the proposal, majority of the Site will be used for cultivation purpose for growing Pak Choi and retaining the existing *Musa Paradisiaca*, accounting for about 310m² or 62% of the site area. The Director of Agriculture, Fisheries and Conservation (DAFC) has no comment on the application from agricultural perspective. Noting that the proposed hobby farm can provide passive recreational outlet for leisure farming, it is considered not in conflict with the planning intention of the “GB” zone. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “GB” zone.
- 12.2 The application also involves the regularisation of the excavation of land (i.e. about 25.2m² or 5.04% in area and 0.3m in depth) along the boundary of the Site for provision of drainage facilities for dissipation of stormwater. Excavation of land requires planning permission from the Board as it may cause adverse impacts on the natural environment. In this regard, DAFC and the Chief Engineer/Mainland North of Drainage Services Department have no adverse comment on the application from the nature conservation and public drainage viewpoints.
- 12.3 The Site is situated in an area of rural in nature composing mainly vacant and unused land, agricultural land, plant nurseries, village settlements and some open storage yards. (**Plan A-2**). The proposed hobby farm, which is small in scale with the existing trees along the eastern boundary retained, is considered not incompatible with the surrounding environment and landscape character of the area. In this regard, the Chief Town Planner/Urban Design and Landscape

of Planning Department has no adverse comment on the application. As the site is zoned “GB”, an approval condition requiring the reinstatement 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 According to TPB PG-No.10, while new development will only be considered in exceptional circumstances and must be justified with very strong planning grounds, passive recreational use which is compatible with the character of the surrounding areas may be given sympathetic consideration. As mentioned in paragraph 12.1 above, about 62% of the Site is proposed for cultivation purpose and no land filling nor site formation will be carried out at the Site. The issue of compatibility has also been discussed in paragraphs 12.3 above. In view of the above and noting the views of concerned departments as stated in paragraphs 12.2 and 12.5, the proposed hobby farm is considered not in conflict with TPB PG-No. 10.
- 12.5 Other concerned government departments consulted including the Commissioner for Transport, the Director of Environmental Protection and the Director of Fire Services have no objection to/no adverse comment on the application from traffic, environmental and fire safety aspects. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental nuisances on the surrounding areas.
- 12.6 Regarding DLO/TM, LandsD’s concern on the unauthorized structure(s) within the Site, the applicant will be advised to liaise with LandsD on the land administration matter should the Committee approve the application.
- 12.7 There are two similar applications for temporary hobby farm and associated excavation of land involving the same “GB” zone approved by the Committee in 2022 and 2023 on the grounds as stated in paragraph 7 above. Approval of the current application is in line with the Committee’s previous decisions.
- 12.8 There is one public comment objecting to the application as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.7 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 comment mentioned in paragraph 11 above, the Planning Department 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 28.2.2028. The following conditions of approval 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 **28.8.2025**;
- (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 **28.11.2025**;
- (c) in relation to (b) above, the implemented drainage facilities on the application site 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 **28.8.2025**;
- (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 **28.11.2025**;
- (f) 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;
- (g) 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; and
- (h) upon expiry of the planning permission, the reinstatement of the application site including backfilling and grassing of the application site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

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

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

the proposed use with associated excavation of land is not in line with the planning intention of the "Green Belt" 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. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, 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 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 15.7.2024
Appendix Ia	FI received on 1.8.2024
Appendix Ib	FI received on 29.10.2024
Appendix Ic	FI received on 6.1.2025
Appendix Id	FI received on 28.1.2025
Appendix II	Extracts of TPB PG-No. 10
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Site Layout Plan
Drawing A-2	Excavation Plan
Drawing A-3	Planting Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**