

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

**APPLICATION NO. A/YL-KTN/1080**

<b><u>Applicant</u></b>	: Mr. TANG Tsz Ki represented by Mr. TANG Wing Yat Tommy
<b><u>Site</u></b>	: Lots 9 (Part) and 10 (Part) in D.D. 109, Kam Tin, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 1,411.7m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) with Ancillary Facilities for a Period of Five 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) with ancillary facilities for a period of five 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 require planning permission from the Town Planning Board (the Board). The Site is currently vacant and largely covered by weeds (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Shui Mei Road via a local track (**Plans A-2 and A-3**). According to the applicant, the proposed use involves erection of two single-storey structures with building heights of not more than 4m and a total floor area of about 144m<sup>2</sup> for learning centre, lounge and ancillary storage room. The applicant also applies for proposed filling of land for about 502.2m<sup>2</sup> (35.6%) of the Site with concrete of not more than 0.3m in depth (to levels ranging from 5.2mPD to 5.3mPD) for site formation and vehicular circulation (**Drawing A-2**). The remaining 909.5m<sup>2</sup> (64.4%) of the Site will be used for farming. The proposed operation hours will be between 8:00 a.m. and 6:00 p.m. daily, including Sundays and public holidays. Four parking spaces for private car and one loading/unloading space for light goods vehicle will be provided at the Site, and visitors are required to make advance reservation to use these parking spaces.

The applicant estimates that a maximum of 15 visitors per day will visit the Site and there will be two staff members working at the Site to support the operation of the hobby farm. No public announcement system, portable loudspeaker or any form of audio amplification system will be allowed to be used within the Site at any time. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2**.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on (Appendix I)  
14.1.2025 and 20.1.2025
- (b) Further Information (FI) received on 27.2.2025\* (Appendix Ia)
- (c) FI received on 10.3.2025\* (Appendix Ib)

\* accepted and exempted from publication and recounting requirements

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

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Ib**, and can be summarised as follows:

- (a) The temporary nature of the application would not frustrate the long-term planning intention of the “AGR” zone. It can promote local agricultural industry and provide suitable space for related activities.
- (b) Sufficient space is allowed for vehicle manoeuvring within the Site and infrequent trip generation is anticipated. The proposed use will not induce adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.

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

The applicant is not a ‘current land owner’ but has complied with the requirement 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 notice to the Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## 4. **Background**

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

## 5. **Previous Application**

Majority of the Site is the subject of a previous application No. A/YL-KTN/66 for proposed New Territories Exempted House (Small House) and rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 1998 which is not relevant to the current application due to different use involved. Details of the previous

application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

## **6. Similar Applications**

- 6.1 There are 16 similar applications for temporary hobby farm (including nine with filling of land and five also involving holiday camp or barbeque site) in the vicinity of the Site within or straddling the same “AGR” zone in the past five years. All these applications were approved with conditions by the Committee between 2020 and 2023 mainly on the considerations that the proposed/applied use on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone; the proposed/applied use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comment or their concerns could be addressed by approval conditions. Except application No. A/YL-KTN/826, the planning permissions under these applications were subsequently revoked between 2021 and 2025 due to non-compliance with approval conditions.
- 6.2 Details of the similar applications are summarised in **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 vacant and largely covered by weeds; and
  - (b) accessible from Shui Mei Road via a local track.
- 7.2 The surrounding areas are rural in character with an intermix of residential structures, holiday camps (including a site with valid planning permission under application No. A/YL-KTN/1044), plant nurseries, parking of vehicles (with valid planning permissions under applications No. A/YL-KTN1038 and 1072), ponds and grassland. To the east of the Site are the residential structures (including Cavendish Garden) and village settlements of Pak Wai Tsuen and Shui Mei Tsuen zoned “Village Type Development”.

## **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 for the “AGR” zone, 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, if any, are provided in **Appendices III** and **IV** respectively.

## 10. **Public Comments Received During Statutory Publication Period**

On 21.1.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received, including one from the Kadoorie Farm and Botanic Garden Corporation and one from an individual raising concerns on the application as there may be potential impacts on Agricultural Priority Areas and the Site will possibly be used for brownfield operations; and one from another individual objecting to the application mainly on the grounds that the proposed use would cause adverse impacts on the nearby residents and it is a disguise for brownfield development at the Site (**Appendix V**).

## 11. **Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) with ancillary facilities for a period of five years and associated filling of land for about 502.2m<sup>2</sup> (35.6%) at the Site zoned “AGR” (**Plan A-1**). Whilst the proposed use is not entirely in line with the planning intention of the “AGR” zone, according to the applicant, about 909.5m<sup>2</sup> (64.4%) of the Site will be used for farming purpose and the Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural 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 of five years with associated filling of land.
- 11.2 Filling of land in the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from public 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 proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of residential structures, holiday camps, plant nurseries and parking of vehicles. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective considering that significant adverse landscape impact is not anticipated.

- 11.4 Other relevant government departments consulted including the Commissioner for Transport and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental impacts caused by the proposed use.
- 11.5 There are 16 approved similar applications for temporary hobby farm within/straddling the same “AGR” zone in vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

## **12. Planning Department’s View**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD 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 five years until 14.3.2030. The following conditions of approval and advisory clauses are also 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 14.9.2025;
- (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 14.12.2025;
- (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 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 14.9.2025;
- (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 14.12.2025;

- (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 site, including the removal of hard paving and fill materials 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 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 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, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification given 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**

<b>Appendix I</b>	Application Form with attachments received on 14.1.2025 and 20.1.2025
<b>Appendix Ia</b>	FI received on 27.2.2025
<b>Appendix Ib</b>	FI received on 10.3.2025

<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comments
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<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  
MARCH 2025**