

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

**APPLICATION NO. A/YL-KTN/857**

- Applicant** : Power Steel Metal Company Limited (宏力建材有限公司) represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lot 1170 RP in D.D.109, Kam Tin, Yuen Long
- Site Area** : About 1,640m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9 at the time of submission
- Draft Kam Tin North OZP No. S/YL-KTN/10 currently in force  
[The zoning and development restrictions for the Site remain unchanged on the current draft OZP No. S/YL-KTN/10]
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years. The Site is zoned “AGR” on the OZP. 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 under the “AGR” zone which requires planning permission from the Town Planning Board (the Board). The Site is fenced off, mostly vacant and partly covered by weeds and deposited with some construction materials (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the proposed development involves the erection of 4 two-storey temporary structures with building height not more than 7m and a total floor area of about 300m<sup>2</sup> for site office, reception, changing room, toilet, education room, meeting room and storage uses. The farming area is about 1,107m<sup>2</sup> (about 67.5% of the Site). A private car parking space is proposed within the Site. The operation hours will be 9:00a.m. to 6:00p.m. daily including public holidays. The applicant estimates that about 20 visitors will be accommodated at the Site daily and there will be 2 staff members working at the Site to support the hobby farm

operation. The Site is accessible from Chi Ho Road. The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application form with supplementary information received on 8.8.2022 **(Appendix I)**
- (b) Further Information (FI) received on 18.10.2022 **(Appendix Ia)**
- (c) FI received on 13.12.2022 **(Appendix Ib)**

1.4 As requested by the applicant, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application twice on 23.9.2022 and 9.12.2022 respectively to allow time for preparation of FI to address the departmental comments.

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

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary information and FIs at **Appendices I to Ib** and are briefly summarized as follows:

- (a) The proposed development is on a temporary basis and will not jeopardize the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding environment.
- (b) The proposed use is intended to foster sustainable hobby farming and is in line with the government policy on agriculture by encouraging members of the public to participate in agriculture and greening.
- (c) The proposed use would not generate adverse traffic, environmental, landscape and drainage impacts to the surrounding areas.

## **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 requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notice at the Site and sending notification letter to the Kam Tin Rural Committee by registered mail. 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**

There is no previous application on the Site.

## 6. **Similar Applications**

- 6.1 There are 29 similar applications, involving 22 sites, for temporary hobby farm within the same “AGR” zone in the vicinity of the Site in the past five years. All applications were approved with conditions by the Committee between August 2018 and January 2023 mainly on the considerations that approval of the applications on a temporary basis would not frustrate the long-term planning intention; the developments were not incompatible with the surrounding land uses; relevant departments consulted had no objection to or no adverse comment on the applications; and/or their technical concerns could be addressed by approval conditions. However, the planning permissions for 19 of them were revoked due to non-compliance with approval conditions. Details of the applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.
- 6.2 Other than the similar applications as stated in paragraph 6.1 above, Application No. A/YL-KTN/879 for proposed temporary hobby farm use will be considered in this same meeting (**Plan A-1**).

## 7. **The Site and Its Surrounding Areas** (Plans A-2 to A-4b)

7.1 The Site is:

- (a) fenced off, mostly vacant and partly covered by weeds and deposited with some construction materials; and
- (b) accessible from Chi Ho Road.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate north is a hobby farm cum tent camping ground with valid planning permission (No. A/YL-KTN/826) and a temple named ‘Hip Tin Temple’ (協天宮). To its further north is woodland within an area zoned “Green Belt”;
- (b) to its south is Chi Ho Road and Kam Tin North River. To its further south is grassland within an area zoned “Conservation Area (1)” and the Kam Tin Bypass;
- (c) to its east and northeast are active and fallow agricultural land, a storage yard and vacant land; and
- (d) to its west is a stream course and to its further west is the “Village Type Development” zone of Kam Hing Wai (錦慶圍).

## **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 Department**

The 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 in **Appendices III and IV** respectively.

## **10. Public Comments Received During the Statutory Publication Period (Appendix V)**

The application was published for public inspection. During the three-week statutory publication period, three public comments from the Conservancy Association, Kadoorie Farm and Botanic Garden and an individual were received. The commenters object to the application mainly on the grounds that the proposed development is not in line with the planning intention of the “AGR” zone; vegetation clearance has been undertaken at the Site and approval of the application would set an undesirable precedent; and the Site should be kept for farming purpose.

## **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 3 years in the “AGR” zone. 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 67.5% of the Site (or about 1,107m<sup>2</sup>) 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. DAFC has no strong view on the application from agricultural point of view. Approval of the application on a temporary basis will not frustrate the long-term planning intention of the “AGR” zone.
- 11.2 The proposed use is considered not incompatible with the surrounding land uses which are rural in character intermixed by hobby farm, tent camping ground, active and fallow agricultural land, religious institution, storage yard and woodland.
- 11.3 Relevant departments consulted, including C for T, DEP, CTP/UD&L of PlanD, CE/MN of DSD and D of FS, have no adverse comment on the application. To minimise any potential environmental nuisances and to address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 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' issued by DEP.

- 11.4 There are 29 similar applications for temporary hobby farm use within the same "AGR" zone in the vicinity of the Site. All applications were approved by the Committee between August 2018 and January 2023 (paragraph 6 and **Plan A-1** refer). Approval of this application is in line with the Committee's previous decisions on similar applications.
- 11.5 Regarding the public comments received during the statutory publication period objecting to the application as stated in paragraph 10 above, the departmental comments and planning considerations and assessments above are relevant.

## **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 proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years.
- 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 3.2.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period;
- (b) 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 3.8.2023;
- (c) in relation to (b) 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 3.11.2023;
- (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 implementation of the accepted 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 3.8.2023;
- (f) 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;

- (g) if any of the above planning condition (b), (c) 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 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 development 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. No strong planning justification has been 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**

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| <b>Appendix I</b>   | Application form with supplementary information received on 8.8.2022        |
| <b>Appendix Ia</b>  | FI received on 18.10.2022   |
| <b>Appendix Ib</b>  | FI received on 13.12.2022   |
| <b>Appendix II</b>  | Similar applications within the same "AGR" zone in the vicinity of the Site |
| <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>Plan A-1</b>     | Location plan with similar applications                                     |
| <b>Plan A-2</b>     | Site plan   |
| <b>Plan A-3</b>     | Aerial photo  |

**Plans A-4a & A-4b**    Site photos

**PLANNING DEPARTMENT  
FEBRUARY 2023**