

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/879

- Applicant** : Mr. TANG Wing Yat Tommy
- Site** : Lot 655 (Part) in D.D. 109, Kam Tin North, Yuen Long
- Site Area** : About 3,444.1m²
- 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) with Ancillary Facilities for a Period of 5 Years and Filling of Land

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) with ancillary facilities for a period of 5 years and filling of land. 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 “AGR” zone which requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is partly formed and partly covered with weeds, erected with two open sheds, and deposited with a few converted container structures under one of the sheds (**Plans A-2, A-4a and A-4b**).
- 1.2 According to the applicant, the proposed development involves seven one-storey temporary structures (five of which under one open shed) with building height ranging from about 3.5m to 4.5m and a total floor area of about 447m² for farm reception, ancillary storage, farm lounge, electric meter room, open shed and rain shelter uses. The farming area is about 2,774.1m² (about 81% of the Site), while about 670m² (or about 19% of the Site) has been paved by concrete by not more than 0.3m in depth (from about +16mPD to +16.3mPD) for site formation of structures, vehicle parking and circulation space. One private car parking space and

one loading/unloading space for light goods vehicle will be provided within the Site. The operation hours will be from 9:00a.m. to 6:00p.m. daily including public holidays. The applicant estimates that about 8 to 10 groups of visitors (about 30 to 40 persons) will be accommodated at the Site daily and there will be 2 to 3 staff members stationed at the Site between 9:00a.m. and 6:00p.m to support the hobby farm operation. Loudspeakers, audio amplifier and public announcement system will not be used at the Site. The Site is accessible from Shui Mei Road via a local track. The site layout plan and paved ratio 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 supplementary information (Appendix I)
received on 15.12.2022
- (b) Further Information (FI) received on 18.1.2023 (Appendix Ia)
- (c) FI received on 31.1.2023 (Appendix Ib)

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 summarised as follows:

- (a) the proposed development is on a temporary basis and will not jeopardize the long-term planning intention. The proposed use is not incompatible with the surrounding environment;
- (b) large portion (about 81%) of the Site will be used for farming purpose, which is generally in line with the planning intention of “AGR” zone; and
- (c) the proposed development would not generate adverse traffic and environmental 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 covering the Site.

6. **Similar Applications**

- 6.1 There are 29 similar applications, involving 22 sites, for temporary hobby farm (12 of which with filling of land) within the same “AGR” zone in the vicinity of the Site in the past five years. All applications were approved with conditions by the Rural and New Town Planning Committee (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 nineteen 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/857, with its site located in the vicinity of the Site, 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) partly formed and partly covered with weeds, erected with two open sheds, and deposited with a few converted container structures under one of the sheds; and
- (b) accessible from Shui Mei Road via a local track.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate west, north and northeast is grassland. Further north and northeast are the Lam Tsuen Country Park where grassland and some graves could be found;
- (b) to its east are a sheep shed and vacant land deposited with some ruins. Further southeast are graves within the “Green Belt” zone; and
- (c) to its south and southwest are a football field and grassland.

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, 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 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, two public comments from the World Wide Fund for Nature Hong Kong 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; approval of the application would set an undesirable precedent; there is a concern on the true intention of the application; and the Site should be retained for agricultural use.

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 5 years in the “AGR” zone, with filling of land at part of the Site (670m² / about 19%) by not more than 0.3m in depth. 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 81% (or about 2,774.1m²) 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. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, CE/MN of DSD and DEP have no adverse comment from the drainage and environmental perspectives.
- 11.2 The proposed use is considered not incompatible with the surrounding land uses which are rural in character intermixed by grassland, a sheep shed, vacant land and some ruins.
- 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 also 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, involving 22 sites, for temporary hobby farm (12 of which with filling of land) 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) with ancillary facilities for a period of 5 years and filling of land.
- 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 5 years until 3.2.2028. 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 3.8.2023;
- (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 3.11.2023;
- (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 3.8.2023;
- (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 3.11.2023;

- (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 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

Appendix I	Application form with supplementary information received on 15.12.2022
Appendix Ia	FI received on 18.1.2023
Appendix Ib	FI received on 31.1.2023
Appendix II	Similar applications within the same "AGR" zone in the vicinity of the Site

Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout plan
Drawing A-2	Paved ratio plan
Plan A-1	Location plan with similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4a & A-4b	Site photos

**PLANNING DEPARTMENT
FEBRUARY 2023**