

RNTPC Paper No. A/YL-KTN/977  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 16.2.2024

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

**APPLICATION NO. A/YL-KTN/977**

**Applicant** : TSE Wai Hung represented by Goldrich Planners and Surveyors Ltd.

**Site** : Lots 1228 RP, 1233 and 1234 in D.D. 109, Tai Kong Po, Yuen Long, New Territories

**Site Area** : About 2,041m<sup>2</sup>

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Approved Kam Tin North Outline Zoning Plan No. S/YL-KTN/11

**Zoning** : “Agriculture” (“AGR”)

**Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of Five Years and Associated 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) for a period of five years and associated filling of land. The Site is zoned “AGR” on the Kam Tin North 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 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 largely vacant and covered by grass, with a few temporary structures (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed use involves erection of three single-storey temporary structures with building height of not more than 5m and a total floor area of about 308m<sup>2</sup> for ancillary office, storage of farm tools and toilet. The applicant also proposes filling of land with concrete from 6.3 mPD to 6.4 mPD for about 816m<sup>2</sup> (40%) of the Site for site formation. The remaining 1,225 m<sup>2</sup> (60%) of the Site will be used for farming. No parking and loading/unloading space will be provided within the Site. The proposed operation hours will be from 9:00a.m. to 6:00p.m. daily including public holidays. The applicant estimates that about 20 visitors per day will visit the Site and there will be four staff members working at the Site to support the hobby farm operation. No public announcement system, whistle blowing or portable loudspeaker will be allowed within the Site. The Site is accessible from Kong Tai Road via a local track. 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 attachments received on **(Appendix I)**  
20.12.2023
- (b) Further Information (FI) received on 16.1.2024\* **(Appendix Ia)**  
*\* 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, supplementary information and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The proposed use is temporary in nature and would not frustrate the long-term planning intention of the “AGR” zone. It promotes agricultural activities and provides a suitable place for passive recreational outlets.
- (b) The proposed use will not induce adverse environmental, traffic, fire safety and drainage impacts on the surrounding areas. The applicant will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” and comply with all environmental protection/pollution control ordinances.
- (c) There are similar applications approved by the Rural and New Town Planning Committee (the Committee) within or straddling the same “AGR” zone in the vicinity of the Site.

## **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. 31B) by posting notice at the Site and sending notification letter to the Pat Heung 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 11 similar applications (including renewal of temporary approval granted), involving 9 sites, for temporary hobby farm (6 of which with filling of land) in the vicinity of the Site within or straddling the same “AGR” zone in the past 5 years. All the applications were approved with conditions by the Committee between January 2020 and November 2023 mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention; the development was not incompatible with the surrounding land uses; relevant departments consulted in general had no adverse comments and their technical concerns could be addressed by approval conditions. The planning permissions for four of them were revoked due to non-compliance with approval conditions.
- 6.2 Details of the applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) largely vacant and covered by weeds, with a few temporary structures; and
  - (b) accessible from Kong Tai Road via a local track.
- 7.2 The surrounding areas are rural in character mainly intermixed with grassland, plant nursery, vacant land, residential dwellings/structures and open storage yard. (**Plan A-2**).

## **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 “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 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 statutory publication period, three public comments from the Kadoorie Farm and Botanic Garden and two individuals were received. The Kadoorie Farm and Botanic Garden expresses concern on the current site status, while the individuals object to the application mainly on the grounds that the proposed use would induce adverse traffic impact; a large part of the Site would be paved; the true intention of the application is to accommodate an extension of the adjacent temporary warehouse approved in November 2023 (application No. A/YL-KTN/959); and there was demand for local food production.

## **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 five years and associated filling of land at the Site zoned “AGR” (**Plan A-1**). 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 1,225m<sup>2</sup> (60%) 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 five years could be tolerated.
- 11.2 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, the Chief Engineer/Mainland North of Drainage Services Department and the Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental perspectives. An approval condition requiring the reinstatement of the Site to an amenity area is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses which are rural in character intermixed with grassland, plant nursery, vacant land, residential dwellings/structures and open storage yard. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that significant adverse landscape impact arising from the proposed use is not anticipated and has no objection to the application.
- 11.4 Other relevant departments consulted, including the Commissioner for Transport and the Director of Fire Services, have no objection to or no adverse comment on the application. 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 revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by DEP to minimise any potential environmental nuisance.

- 11.5 There are 11 approved similar applications for temporary hobby farm (6 of which with filling of land), within or straddling the same “AGR” zone in the vicinity of the Site as mentioned in paragraph 6.1. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments expressing concern and objecting to the application as stated in paragraph 10, there is no evidence indicating that the application is an extension to accommodate the adjacent temporary warehouse, and the departmental comments and planning considerations above are also 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, the 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 5 years until 16.2.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) no public announcement system, portable loudspeaker or any form of audio amplification system and whistle blowing is allowed to be used on the site during the planning approval period;
- (b) 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 16.8.2024;
- (c) in relation to (b) 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 16.11.2024;
- (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 **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.11.2024;
- (f) if any 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; ***and***
- (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 use and 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. 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**

<b>Appendix I</b>	Application form with supplementary information received on 20.12.2023
<b>Appendix Ia</b>	FI received on 16.1.2024
<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>	Public comments
<b>Drawing A-1</b>	Site layout plan
<b>Plan A-1</b>	Location plan with similar applications

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| <b>Plan A-2</b>  | Site plan    |
| <b>Plan A-3</b>  | Aerial photo |
| <b>Plans A-4</b> | Site photos  |

**PLANNING DEPARTMENT  
FEBRUARY 2024**