

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

**APPLICATION NO. A/YL-TT/643**

- Applicant** : Happy Farm HK Limited represented by R-riches Property Consultants Limited
- Site** : Various Lots in D.D. 117 and Adjoining Government Land (GL), Tai Tong, Yuen Long, New Territories
- Site Area** : 17,660 m<sup>2</sup> (about) (including GL of about 92 m<sup>2</sup> (about 0.5%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zonings** : “Agriculture” (“AGR”) (about 17,460 m<sup>2</sup>, 99%); and  
“Open Storage” (“OS”) (about 200 m<sup>2</sup>, 1%)<sup>1</sup>
- Application** : Proposed Temporary Place for Recreation, Sports or Culture (Hobby Farm), Barbecue Site and Shop and Services with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary place for recreation, sports or culture (hobby farm), barbecue site and shop and services with ancillary facilities for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for “AGR” zone, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’ and ‘Barbecue Spot’, which are Column 2 uses, and filling of land require planning permission from the Town Planning Board (the Board). While ‘Shop and Services’ use is neither a Column 1 or 2 use in the “AGR” zone, the covering Notes of the OZP stipulate that temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Board. The Site is partly fenced off and mainly consists of two portions. The western portion is partly paved with concrete/gravel and currently used for a barbecue area with temporary structures, parking of vehicles and children recreational ground without valid planning

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<sup>1</sup> Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

permission, whilst the eastern portion is currently used for agricultural use which is always permitted within the “AGR” zone (**Plans A-2 to A-4d**).

- 1.2 The Site is accessible via a local track linking from Tai Tong Shan Road to its southwest (**Plan A-2**). The eastern portion and western portion of the Site are connected via two local footpaths (**Drawing A-2**). According to the applicant, there are 28 single-storey (2.5m to 6m in height) structures with a total gross floor area of about 2,744m<sup>2</sup> mainly for barbecue and recreational activities, storage and a shop for selling frozen food. As shown in the proposed layout and site paving plans at **Drawings A-3 and A-5**, majority of the Site (i.e. 10,596m<sup>2</sup> or 60%) is intended for recreational farming, including the existing farm areas at the eastern portion and the conversion of the existing children recreational grounds at the western portion for farming areas. No public announcement systems and any form of audio amplification system would be used at the Site. The applicant also proposes to regularise the land filling works that had been undertaken at the western portion of the Site (i.e. about 30% of the Site or 5,320m<sup>2</sup> with concrete/gravel with a depth of not more than 0.2m) mainly for site formation of structures, vehicle parking and circulation space. In order to mitigate the potential landscape impact, the applicant has also submitted a tree preservation and landscape proposal which proposes to preserve 71 existing trees within the Site. Plans showing vehicular access, site connection, site layout, paving area, fire service installations (FSIs), drainage and landscape proposals submitted by the applicant are at **Drawings A-1 to A-8** respectively.
- 1.3 The Site is involved in four previous applications for temporary place of recreation, sports or culture (hobby farm) with/without associated filling of land covering different extents of the Site as detailed at paragraph 5 below. Compared with the last approved application (No. A/YL-TT/505), the current application with a larger site area is submitted by a different applicant with a different layout and planning development parameters for hobby farm with barbecue and shop and services (frozen food).
- 1.4 The major development parameters of the current application are summarised as follows:

<b>Site Area</b>	17,660 m <sup>2</sup> (about) (including GL of about 92 m <sup>2</sup> )
<b>Total Floor Area (Non-domestic)</b>	2,744 m <sup>2</sup> (about)
<b>Extent of Filling of Land</b>	About 5,320 m <sup>2</sup> (i.e. about 30% of the Site) (not more than 0.2m in depth with concrete)
<b>No. of Structures (Height)</b>	28 (2.5 m - 6 m, 1 storey) <ul style="list-style-type: none"> <li>- 15 for barbecue, rain shelter and recreation activities (3.5 m, 1 storey)</li> <li>- 1 for reception, shop and services (3.5 m, 1 storey)</li> <li>- 1 for covered children playing area (3.5 m, 1 storey)</li> <li>- 7 for storage and water tanks (3 m - 6 m, 1 storey)</li> <li>- 4 for toilets and guard house (2.5 m, 1 storey)</li> </ul>
<b>No. of Parking Spaces</b>	25 for private cars (5m x 2.5m each)

<b>No. of Loading/Unloading Spaces (L/UL)</b>	3 - 2 for minibuses (8m x 3m each) - 1 for light goods vehicles (LGV) (7m x 3.5m)
<b>Operation Hours</b>	9:00 a.m. to 10:00 p.m. daily including public holidays

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

- (a) Application Form with attachments received on 2.4.2024 (**Appendix I**)
- (b) Supplementary Information (SI) received on 8.4.2024 (**Appendix Ia**)
- (c) Further Information (FI) received on 25.6.2024\* (**Appendix Ib**)
- (d) FI received on 22.7.2024\* (**Appendix Ic**)
- (e) FI received on 23.8.2024\* (**Appendix Id**)
- (f) FI received on 13.9.2024\* (**Appendix Ie**)  
*\*accepted and exempted from publication and recounting requirements*

1.6 On 24.5.2024 and 16.8.2024, 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 in the Application Form with attachments, SI and FIs at **Appendices I to Ie**. They can be summarised as follows:

- (a) demand for recreational facilities has been growing. The proposal aims to support the local tourism industry and promote sustainable farming within the community;
- (b) majority of the Site (i.e. 10,596m<sup>2</sup> or 60% of the Site) is for farming purpose. The applicant will cooperate with schools to offer educational tours to provide hands-on farming practices and interactive learning experiences for students;
- (c) the Site is located at the rural fringe with agricultural and residential uses. The nature and scale of the proposed uses are considered not incompatible with the surrounding areas;
- (d) the regularization of filling of land has been kept to a minimum which is necessary for site formation of structures, provision of parking, L/UL and circulation area, and for ease of cleansing and fire safety purposes;
- (e) a similar planning application (No. A/YL-TT/515) for hobby farm use in the vicinity was approved by the Committee in 2021; and
- (f) no significant nuisance to the surrounding areas is anticipated.

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

The applicant is not a “current land owner” 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 publishing newspaper notice and sending the notice to the Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

### 4. **Background**

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

### 5. **Previous Applications**

- 5.1 The Site is involved in five previous applications (No. A/YL-TT/332, 353, 394, 417 and 505) covering different extents of the Site for temporary public vehicle park or place of recreation, sports or culture (hobby farm) for a period of three years with/without associated filling of land submitted by different applicants. Details of the previous applications are summarised in **Appendix II** and their boundaries are shown on **Plan A-1b**.

#### ***Rejected Applications***

- 5.2 Application No. A/YL-TT/332 mainly covering the northeastern part of the Site for temporary public vehicle park for a period of three years was rejected by the Committee in 2014. Considerations of the rejected application are not relevant to the current application which involves a different use.
- 5.3 Application No. A/YL-TT/353 mainly covering the eastern part of the Site for temporary place of recreation, sports or culture (hobby farm) for a period of three years was rejected by the Committee in 2015, mainly on considerations that the proposal was not line with the planning intention of “AGR” zone and the then applicant failed to demonstrate that the proposal (13 structures mainly for fungus rooms and hobby farm/showroom with site office) would not generate adverse landscape impact on the surrounding areas.

#### ***Approved Applications***

- 5.4 Applications No. A/YL-TT/394, 417 and 505, mainly covering the western part of the Site in different extents for temporary place of recreation, sports or culture (hobby farm) for a period of three years with/without associated filling of land, were approved with conditions by the Committee between 2016 and 2021. They were approved mainly on considerations that the proposals were not entirely in conflict with the planning intention of the “AGR” zone; not incompatible with the surrounding areas; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, all three planning permissions, which involved different applicants as the current application, were

subsequently revoked due to non-compliance with the time-limited approval conditions on the implementation of run-in/out and drainage proposals.

## **6. Similar Application**

One similar application (No. A/YL-TT/515) for proposed temporary hobby farm and filling of land within the subject “AGR” zone was approved with conditions by the Committee for a period of five years in March 2021 mainly on similar considerations as those mentioned in paragraph 5.4 above. Details of the similar application are summarised in **Appendix II** and the location of the site is shown on **Plan A-1a**.

## **7. The Site and Its Surrounding Areas (Plans A-1a to A-4d)**

7.1 The Site is:

- (a) partly fenced off and mainly consists of two portions. The western portion is partly paved with concrete/gravel and currently used for barbecue site with temporary structures, parking of vehicle and children recreational ground without valid planning permission, whilst the eastern portion is currently used for agricultural use; and
- (b) accessible via a local track connecting with Tai Tong Shan Road.

7.2 The surrounding areas are rural in nature predominantly occupied with active agricultural land and temporary structures intermixed with parking of vehicles, open storage/storage yards and tree groups. Some of these uses are suspected unauthorized developments subject to planning enforcement action.

## **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 in the subject “AGR” zone.

## **9. Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph 9.2 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 III** and **IV** respectively.

9.2 The following government department has reservation on the application:

## **Land Administration**

### 9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) no permission is given for occupation of GL (about 92 m<sup>2</sup> as mentioned in the application form within the site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28);
- (b) there is/are unauthorized structure(s) or uses on Lot 1347 in D.D. 117 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (c) there are unauthorized structures on some of the remaining private lots. The lot owner(s) should immediately rectify/apply for regularisation of the lease breaches and LandsD reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (d) if the planning application is approved, the lot owner(s)/applicant shall apply to LandsD for a Short Term Waiver (STW) and modification of the proposed Short Term Tenancy (STT) conditions where appropriate to permit the structure(s) erected within the private lots and the occupation of GL. The application(s) for STW and STT will be considered by Government in its capacity as a landlord and there is no guarantee that the application(s) will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate by LandsD. Besides, given that the proposal is temporary in nature, only erection of temporary structure(s) will be considered; and
- (e) his detailed advisory comments are at **Appendix IV**.

## **10. Public Comment Received During the Statutory Publication Period**

On 12.4.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix V**) objecting the application mainly on the grounds that part of the Site has already been filled with concrete and there is no indication on how many trees would be felled.

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

11.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm), barbecue site and shop and services for a period of three years and associated filling of land at the Site zoned "AGR" on the OZP. 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 10,596m<sup>2</sup> or 60% of the Site is used for farming purpose which is always permitted within the “AGR” zone. The proposed uses are generally not in conflict with the planning intention of the “AGR” zone. The Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural point of view. In view of the above and taking into account the planning assessments below, sympathetic consideration may be given to the application on a temporary basis for a period of three years.

- 11.2 The Site is situated in an area of rural in nature predominantly occupied with active agricultural land and temporary structures intermixed with parking of vehicles, open storage/storage yards and tree groups (**Plan A-2**). The proposed uses are considered not incompatible with the surrounding areas. To mitigate the potential landscape impact, the applicant has submitted a tree preservation and landscape proposal which would preserve 71 existing trees within the Site (**Drawing A-8**). In this regard, the Chief Town Planner/Urban Design & Landscape of Planning Department (CTP/UD&L, PlanD) has no comment on the application from landscape point of view.
- 11.3 The applicant also proposes to regularise the filling of land with concrete/gravel mainly at the western portion of the Site (about 5,320 or 30%). 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 applicant has submitted a drainage proposal to support the application and the Chief Engineer/Mainland North of Drainage Services Department as well as the Director of Environment Protection have no objection to the application from drainage and environmental perspectives respectively. The applicant would be required to reinstate the Site to an amenity area upon expiry of the planning permission if the application is approved.
- 11.4 Other relevant government departments, including the Commissioner for Transport and the Director of Fire Services have no objection to/no adverse comment on the application from traffic and fire safety aspects respectively. The Director of Environmental Protection has no objection to the application, and advised that approval condition requiring no public announcement system or any form of audio amplification system is allowed to be used on the Site should be stipulated. Should the application be approved, relevant approvals conditions are recommended in paragraph 12.2 below to address the technical requirements of the concerned government departments. 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” to minimise potential environmental nuisances on the surrounding areas.
- 11.5 Regarding DLO/YL of LandsD’s concerns on unauthorized structure(s) and/or uses on the subject lot and occupation of GL, should the application be approved, the applicant will be advised to apply STW and STT from LandsD for regularisation under the land administration regime.
- 11.6 The eastern part of the Site is the subject of a previous application (No. A/YL-TT/353) for temporary place of recreation, sports or culture (hobby farm) submitted by a different applicant which was rejected by the Committee in 2015 mainly because the then applicant failed to demonstrate that the proposal would not generate adverse landscape impact on the surrounding areas. For the current

application, the applicant has submitted a tree preservation and landscape proposal and CTP/UD&L of PlanD has no comment on the application from landscape planning perspective. Moreover, the western part of the Site is the subject of three previous applications for similar hobby farm use approved by the Committee between 2016 and 2021. A similar application was also approved in 2021. As such, approval of the current application is generally in line with the Committee's previous decisions.

- 11.7 There is a public comment received objecting to the application on grounds as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.6 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 comment mentioned in paragraph 10 above, the Planning Department considers that the proposed temporary place of recreation, sports or culture (hobby farm), barbecue site and shop and services for a period of three years and associated filling of land could be tolerated.
- 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 three years until 4.10.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no public announcement system or any form of audio amplification system is allowed to be used at the site 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 4.4.2025;
- (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 4.7.2025;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of a revised 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 4.4.2025;
- (f) in relation to (e) above, the implementation of the revised 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 4.7.2025;

- (g) 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;
- (h) if any of the above planning condition (b), (c), (e) or (f) 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
- (i) 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 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 uses with associated filling of land is not in line with the planning intention of the "Agriculture" 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 justifications have 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 attachment received on 2.4.2024
<b>Appendix Ia</b>	SI received on 8.4.2024
<b>Appendix Ib</b>	FI received on 25.6.2024
<b>Appendix Ic</b>	FI received on 22.7.2024
<b>Appendix Id</b>	FI received on 23.8.2024
<b>Appendix Ie</b>	FI received on 13.9.2024
<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 Comment
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Connection Plan
<b>Drawings A-3 to A-4</b>	Site Layout Plan
<b>Drawing A-5</b>	Site Paving Plan
<b>Drawing A-6</b>	FSIs Proposal
<b>Drawing A-7</b>	Drainage Proposal
<b>Drawing A-8</b>	Tree Preservation and Landscape Proposal
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4d</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2024**