



**LCH Planning and Development**  
Consultants Limited

**Section 16 Planning Application for Proposed Filling of Land for  
Agricultural Use with Ancillary Solar Panels at Lot No. 1522 in  
D.D. 76, North, Fanling**

**Supporting Planning Statement**

Prepared by  
Planning Consultant : LCH Planning & Development  
Consultants Limited

**November 2024**  
Report : Version 1.1



## **Executive Summary**

*(in case of discrepancy between English and Chinese versions, English version shall prevail)*

This proposal is submitted to the Town Planning Board (“**the Board**”) for a Proposed Filling of Land for Agricultural Use with Ancillary Solar Panels (“**the Proposed Development**”) at Lot No. 1522 in D.D. 76 (“**the Subject Site**”).

The Subject Site falls within an area of “Agriculture” (“**AGR**”) zone on the Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/19 (“**the OZP**”). According to the Notes of the OZP for “AGR” zone, ‘Agricultural Use’ is a Column 1 use which do not require planning permission from the Board. According to the “Assessment Criteria for Considering Applications for Solar Photovoltaic System made under Section 16 of the Town Planning Ordinance”, the installation of solar panel system for the purpose of generating electricity for a permitted use, such as a farm, greenhouse/farm structure within an “AGR” zone used for self-sufficient agricultural generation is also considered an ancillary use, which does not require permission from the Board. Filling of land is necessary to commence the agricultural use on the Subject Site, which planning permission from the Town Planning Board for the proposed development is required. Upon completion of the proposal, it comprises a 1-floor enclosed greenhouse and an open structure with ancillary solar panels on the rooftop of the greenhouse. The proposed building height of 2.5 m and the total floor area is about 422 sq.m. which conforms to the respective requirement under the OZP.

This proposal aims to operate as a small-scale agriculture use serving the local community. It is situated at a convenient location that is favourable to operate a greenhouse and to serve the applicant and nearby residents if possible. It is expected that the implementation of the proposed greenhouse can improve the supply of good quality vegetables (mushroom farming) and electricity which accommodate the demand of local fresh vegetable needs of the local community and promote the use of renewable energy.

The Proposed Development does not hinder the long-term planning intention of “AGR” zone. In addition, laying of soil for filling of land for the proposed development will not exceed 0.2m thickness of concrete for about 422 sq.m. in area for greenhouse built-up and its cultivation. There will be no adverse traffic, visual, landscape, drainage and environmental impacts.

In view of the above justifications, we would sincerely seek the favourable consideration of the Board to approve this Proposal.



## 內容摘要

(如內文與其英文版本有差異，則以英文版本為準)

本規劃就粉嶺龍躍頭(下稱「**擬議地點**」)的用地，向城市規劃委員會(下稱「**城規會**」)徵求意見作擬議填土以作准許的用途農業用途並設置輔助太陽能電池板(下稱「**擬議發展**」)。

申請地點現時於《龍躍頭及軍地南分區計劃大綱草圖編號 S/NE-LYT/19》(下稱「**大綱圖**」)劃作「農業」地帶。根據大綱圖有關「農業」地帶的註釋，「農業用途」屬於「農業」地帶的第一欄用途，不需要獲得城規會的規劃許可。根據「根據《城市規劃條例》第 16 條提出安裝太陽能光伏系統的申請的評審準則」，安裝太陽能系統用於為許可用途發電，例如農場、溫室/農場「農業」的建築物主要用於自給自足的農業發電，也被視為輔助用途，不需要獲得城規會的規劃許可。申請地點的農業用途需要填土，需要獲得城規會的規劃許可才能進行擬議發展。完成擬議填土後，將會有一座 1 層封閉式溫室和一個開放式結構，溫室屋頂設有輔助太陽能電池板。擬建建築高度為 2.5 米，總建築面積為約 422 平方米，合乎大綱圖的相關要求。

是次規劃申請旨在用作小規模農業用途，以服務當區居民。因其地理位置優越，有利於運營溫室並為附近的居民提供本地蔬菜。預計擬議溫室和太陽能光伏系統的實施可以提供優質蔬菜和增加電力的供應，從而滿足當區居民對本地蔬菜的需求並促進再生能源的使用。

擬議發展不會妨礙長遠規劃意向。此外，擬議發展開發的土地填土將不超過 0.2m 混凝土厚度，面積約 422 平方米，用於溫室建設和種植。擬議填土亦不會對交通、視覺、景觀、排水系統和環境造成不利影響。

鑒於以上提出的依據，我們真誠地尋求城規會批准本申請。



## **TABLE OF CONTENTS**

1	Introduction	2
2	The Subject Site and Development Proposal	3
3	Planning Assessment	6
4	Planning Merits & Justifications	11
5	Conclusion	12

### **List of Figures**

Figure 1	Location Plan
Figure 2	Site Plan
Figure 3	Existing Condition
Figure 4	Land Status
Figure 5	Extract of Outline Zoning Plan No. S/NE-LYT/19

### **List of Annexes**

Annex 1	Indicative Layout Plan
Annex 2	Traffic Route
Annex 3	Existing Tree Group

### **List of Diagram**

Diagram 1	Existing Village Clusters
-----------	---------------------------



## **1 INTRODUCTION**

---

### **1.1 The Proposal**

- 1.1.1 We are commissioned by the Applicant to prepare and submit on its behalf this planning proposal for a proposed filling of land for agricultural use with ancillary solar panels (hereinafter referred to as the “**Proposed Development**”) in Kan Tau Tsuen, Fanling (**Figure 1**) (hereinafter referred to as the “**Subject Site**”) to the Town Planning Board (“**the Board**”) under Section 16 of the Town Planning Ordinance (“**the Ordinance**”).
- 1.1.2 The Subject Site falls within an area designated as “Agriculture” (“**AGR**”) zone on the Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/19 (“**the OZP**”) (**Figure 5**). According to the Notes of the OZP for “AGR” zone, ‘Agricultural Use’ is a Column 1 use that is always permitted by the Board.
- 1.1.3 The Notes also state that any filling of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes shall not be undertaken without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance, except laying of soil not exceeding 1.2m in thickness for cultivation or construction of any agricultural structure with prior written approval issued by the Lands Department.
- 1.1.4 Filling of land is necessary to commence the agricultural use (i.e. mushroom cultivation) on the Subject Site. This Application is seeking permission from the Town Planning Board for the proposed filling of land.



## **2 THE SUBJECT SITE AND DEVELOPMENT PROPOSAL**

---

### **2.1 Current Condition of the Subject Site**

- 2.1.1 The Subject Site (covers a total of about 834 square metres (“sq. m.”). Portion of the Subject Site is currently under vegetation (**Figure 3**).
- 2.1.2 The Subject Site is attached to the road to the Blessing Villa that connects the site to Sha Tau Kok Road (**Figure 2**). The site is situated at the southeast of Sha Tau Kok Road (Ma Mei Ha) and Kan Tau Tsuen. Besides, there is a river known as Tan Shan River which is located in the southwest of the site. It is also located in the west of Blessing Villa and the northeast of Ng Uk Tsuen.

### **2.2 Land Status**

- 2.2.1 The Subject Site falls within the boundary of Lot No. 1522 in Demarcation District 76, Ma Mei Ha (“**the Lot**”) (**Figure 4** refer).
- 2.2.2 The Lot is subject to a Block Government Lease. Upon permission with or without conditions of this planning application, the Applicant will follow the procedures of acquiring “Letter of Approval for Agricultural Structures” and “Certificate of Exemptions” from the Lands Department<sup>1</sup> will be followed once the Proposed Development application is approved to align with the official standard of greenhouse farming operation.

### **2.3 Surrounding Context**

- 2.3.1 Ma Mei Ha is a sub-urban area located northeast of Fanling in the New Territories. The area is comprised of Eight villages and the major uses of land are agriculture land, low-rise residential developments, temporary structures, domestic structures and vacant land. Ma Mei Ha is located in between three major villages (Hung Leng, Leng Tsai and Kan Tau Tsuen). There is a major road (Sha Tau Kok Road) in Ma Mei Ha, and the major transportation mode is by bus or minibus, connecting Ma Mei Ha to Fanling MTR station.
- 2.3.2 The Subject Site is located at the northeast edge of Kwan Tei, with village houses and temporary structures surrounding the site.

---

<sup>1</sup> Agriculture, Fisheries and Conservation Department. (2024). Application Guide for Letter of Approval for Agricultural Structures & Certificates of Exemption.  
[https://www.afcd.gov.hk/english/agriculture/agr\\_hk/agr\\_hk\\_app/agr\\_hk\\_app.html](https://www.afcd.gov.hk/english/agriculture/agr_hk/agr_hk_app/agr_hk_app.html)



## 2.4 Existing Village Clusters in the Vicinity

2.4.1 At the northern edge of Ma Mei Ha, the Hung Leng is adjacent to the west across the Sha Tau Kok Road – Ma Mei Ha. Going north along the Sha Tau Kok Road are the Regency Court and Leng Tsai Ning, and further south are the Ng Uk Tsuen, Blessing Villa, Kan Tau Tsuen, Tan Chuk Hang Lo Wai and Ma Mei Ha Tsuen.



**Diagram 1** Existing Village Clusters (Source: GeoInfo Map, HKSAR Government)

## 2.5 Controlled-environment Greenhouse as Agricultural Use

2.5.1 A single storey of enclosed greenhouse with ancillary solar panels rooftop will be built at the subject Site for cultivation of mushrooms. The proposed building height of 2.5 m and the total floor area is 422 sq.m.

2.5.2 As mushrooms are highly sensitive to changes in their environment, maintaining a consistent level of humidity is critical for their development. The proposed greenhouse will be fully enclosed with controlled-environment facilities. The proposed filling of land is therefore essential to form the foundation of the greenhouse, as well as to provide insulation layer to the greenhouse to ensure the greenhouse is fully enclosed and provide suitable environment for mushrooms cultivation. Details of the filling of land is shown in the table below.

Proposed Development Parameters of Filling of Land	
Site Area	About 834 sq.m.
Proposed Filling of Land	About 422 sq.m. with about/not more than a 0.2m layer of concrete
Indicative Development Parameters of the Greenhouse	
Covered/Total Floor Area of Greenhouse Structure	About 422sq.m.



No. of Structure	1
Maximum Height of Structure	1 storey/ 2.5 meters

## **2.6 Operation Arrangement of the Greenhouse**

- 2.6.1 The proposed controlled environment greenhouse will operate 24 hours a day and is powered by the solar panels on the roof to meet the heat, moisture and lighting needs for mushroom cultivation. The electricity generated will be mainly used for the operation of mushroom production in the proposed greenhouse.
- 2.6.2 The follow-up procedures of the acquiring “Letter of Approval for Agricultural Structures” and “Certificate of Exemption” from the Lands Department will be followed.
- 2.6.3 The Applicant, who lives in the vicinity, will consume the mushroom cultivated and shared among the villagers. Excess supply of mushroom may be exported to local vegetable suppliers within the vicinity or Fanling District.
- 2.6.4 As the greenhouse will be operated by the applicant who lives within the walking distance to the subject Site, no vehicles will be used and no parking space will be provided.





### 3 PLANNING ASSESSMENT

---

#### 3.1 Statutory Planning Context

- 3.1.1 The Subject Site falls within an area designated as “Agriculture” zone on the Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/19 (**Figure 5**) (also known as the “OZP”). The planning intention of the “AGR” zone is *“intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes”*.
- 3.1.2 According to Notes of “AGR” zone of OZP (**Figure 5**), ‘Agricultural Use’ is Column 1 use under “AGR” zone. With reference to the Definition of Terms as published by the Town Planning Board, ‘Agricultural Use’ includes any structure or premises ancillary to and directly connected with the agricultural activities, such as cowshed, green house and structure for the storage of machinery, tools, carts, trolleys, seeds and fertilizers; but excludes any structure or premises for domestic purposes.
- 3.1.3 The Notes also state that any filling of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes shall not be undertaken without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance, except laying of soil not exceeding 1.2m in thickness for cultivation or construction of any agricultural structure with prior written approval issued by the Lands Department.
- 3.1.4 **The agricultural use is in line with the long-term planning intention of the “AGR” zone. The proposed controlled-environment greenhouse is always permitted under the Notes of the OZP, this Application is seeking permission from the Town Planning Board for the proposed filling of land to construct the proposed controlled-environment greenhouse.**



AGRICULTURE

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use	Animal Boarding Establishment
Government Use (Police Reporting Centre only)	Barbecue Spot
On-Farm Domestic Structure	Burial Ground
Public Convenience	Field Study/Education/Visitor Centre
Religious Institution (Ancestral Hall only)	Government Refuse Collection Point
Rural Committee/Village Office	Government Use (not elsewhere specified)
	House (New Territories Exempted House only, other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes)
	Picnic Area
	Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)
	Public Utility Installation
	Religious Institution (not elsewhere specified)
	School
	Utility Installation for Private Project

Planning Intention

This zone is intended 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.

Remarks

- (a) Any filling of pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

(Please see next page)

*(Source: Town Planning Board, HKSAR Government)*



AGRICULTURE (Cont'd)

Remarks (Cont'd)

- (b) Any filling of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/10 without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance. This restriction does not apply to filling of land specifically required under prior written instructions of Government department(s) or for the purposes specified below:
- (i) laying of soil not exceeding 1.2m in thickness for cultivation; or
  - (ii) construction of any agricultural structure with prior written approval issued by the Lands Department.

*(Source: Town Planning Board, HKSAR Government)*



### **3.2 Mushroom Cultivation in Controlled-Environment Greenhouse**

3.2.1 It is noteworthy that mushroom cultivation in controlled-environment greenhouse has long been recognised by the Agriculture, Fisheries and Conservation Department. There are various types of mushrooms that can be farmed in greenhouse with the adoption of technologies. For further information, the Agriculture, Fisheries and Conservation Department regularly publishes newsletters on technologies in greenhouse, which include mushroom cultivation<sup>2</sup>.

### **3.3 Solar Panels to Support Controlled-environment Greenhouse**

3.3.1 The proposed ancillary solar panels are directly ancillary and commensurate in scale with the development use within the “AGR” zone at the rooftop of private building (i.e. the proposed greenhouse as closed structure with a roof and walls) mainly for generating electricity for agricultural purposes. According to the “*Assessment Criteria for Considering Applications for Solar Photovoltaic System made under Section 16 of the Town Planning Ordinance*” published by the Town Planning Board, it is regarded as an ancillary use for supplementing power supply to its use. No planning permission is required.

### **3.4 Drainage Consideration**

3.4.1 The existing drainage condition and pattern of the area will not be altered. The Proposed Development will not cause any adverse drainage impact onto the area.

### **3.5 Traffic Consideration**

3.5.1 The Proposed Development will not incur adverse traffic impact, as it serves the landowner which is also the Applicant only which may not cause extra traffic flow. Therefore, it is expected that there will not be significant negative impacts regarding the safety of road users and the traffic network of the area concerned.

### **3.6 Environmental Consideration**

3.6.1 The Applicant will follow the relevant mitigation measures and requirements in the latest “*Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites*” to minimize any potential environmental impact. Also, no felling of recorded existing Old and Valuable Trees (OVTs), potentially registrable OVTs, and trees of rare or protected species will be incurred. No adverse environmental impact is anticipated.

### **3.7 Visual and Landscape Compatibility**

3.7.1 The Subject Site is situated in area of rural village landscape character which are surrounded by village houses and temporary structures. The proposed greenhouse use is compatible with the surrounding use and will not disturb

---

<sup>2</sup> Agriculture, Fisheries and Conservation Department. (2024).  
Controlled-Environment Greenhouse Newsletters.

[https://www.afcd.gov.hk/english/agriculture/agr\\_ceg/agr\\_ceg\\_new/agr\\_ceg\\_new.html](https://www.afcd.gov.hk/english/agriculture/agr_ceg/agr_ceg_new/agr_ceg_new.html)



the prevailing rural village landscape character. Existing tree group in the Subject Site will be preserved to maintain the landscape environment. Refer to **Annex 3** for the location of the existing tree group.

- 3.7.2 The proposed filling of land is not visually incompatibility with the surrounding. The proposed greenhouse with a maximum height of about 2.5 metres is visually compatible with the 1-storey village houses in the west and east boundaries, and the temporary structures along the east boundary.



## **4 PLANNING MERITS & JUSTIFICATIONS**

---

### **4.1 In Line with the Long-term Planning Intention of “AGR” Zone**

4.1.1 The development of the greenhouse is permitted as-of-right in the “AGR” zone. The proposed filling of land for the construction and operation of greenhouse is in line with the long-term planning intention of the “AGR” zone. Instead of not fully utilizing the land resources, constructing a greenhouse can further accommodate the demand of the citizens and villagers for the vegetables and electricity which is compatible with the long-term planning intention for the village and city.

### **4.2 Adoption of Sustainable Energy**

4.2.1 The development of renewable energy is an important part of the government’s response to climate change. Increasing the use of renewable energy will help decarbonize the power generation industry.

### **4.3 Compatible with the Surrounding Development with No Adverse Visual and Landscape Impact**

4.3.1 The proposed filling of land as well as the greenhouse is visually compatible with the surrounding environment, which is mainly composed of village houses and temporary structures. There is no immediate change to the rural village landscape character. No adverse visual and landscape impact is anticipated.

### **4.4 No Adverse Traffic Impact**

4.4.1 The proposed greenhouse will not incur adverse traffic impact as it is a small-scale works inside the private land. Therefore, it is expected that there will be insignificant negative impacts regarding the safety of road users and the traffic network of the area concerned.

### **4.5 No Adverse Environmental Impact**

4.5.1 The proposed greenhouse aligns with the sustainable environmental goals for the government to decarbonize the electricity generation sector and combating climate change in Hong Kong through community participation. It demonstrates as a precedented development of sustainable integration of agriculture and renewable facility.

4.5.2 Moreover, the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” issued by Environmental Protection Department will also be followed. Therefore, there will not be adverse environment impacts including noise and air quality in the vicinity.

### **4.6 No Adverse Drainage Impact**

4.6.1 The existing drainage condition and pattern of the area will not be altered. Hence, adverse drainage impact is not anticipated.

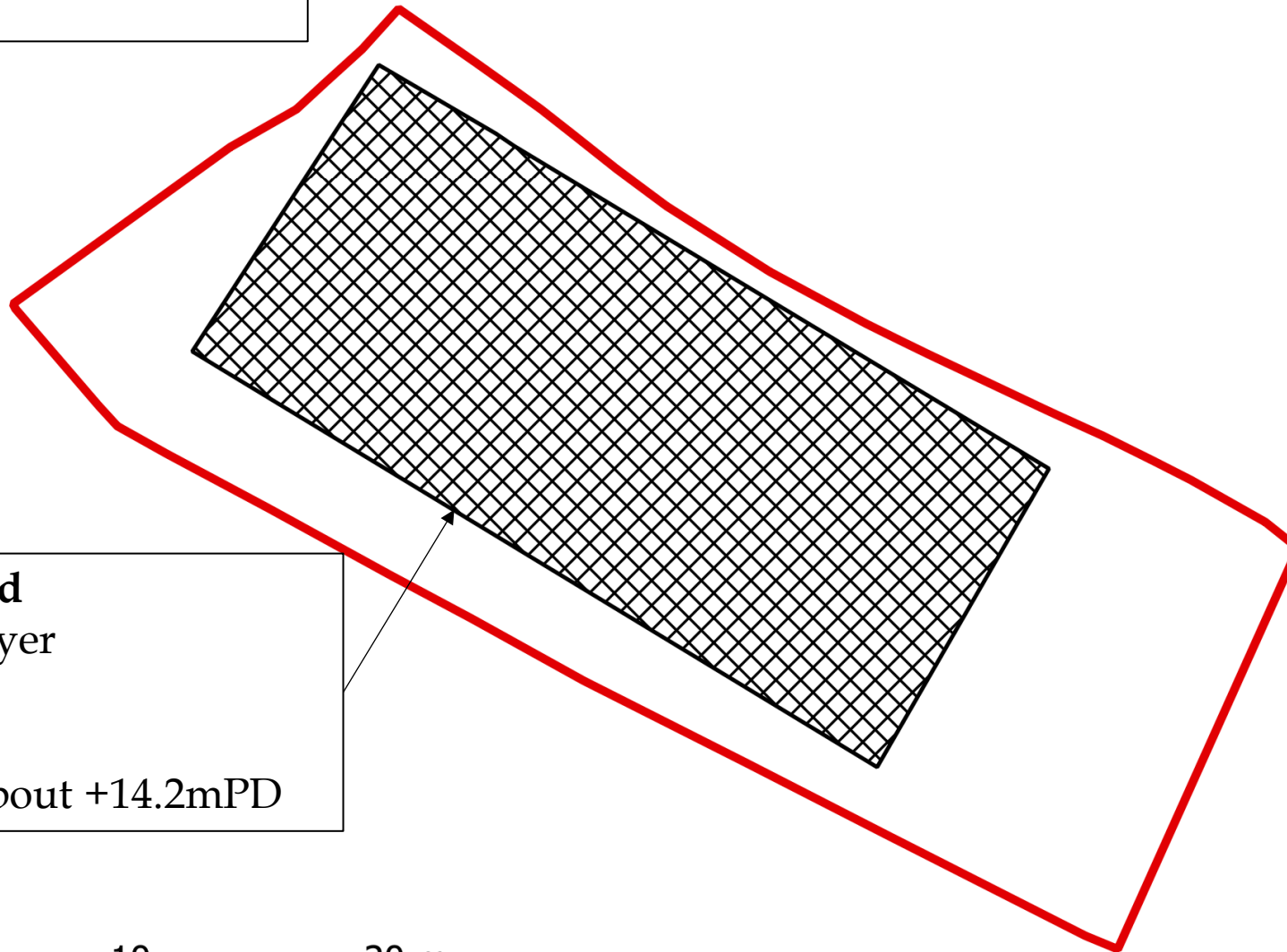


## **5 CONCLUSION**

---

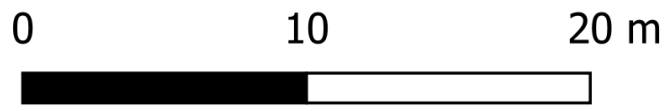
- 5.1.1 In view of the above, we respectfully request the Board Members to give permission on the proposed filling of land.

**Application Site Area:** about 834 sq.m.  
**Site Levels before Filling of Land:**  
about +14.0mPD



**Proposed Filling of Land**  
0.2m thick of concrete layer  
About 422 sq.m. in area

**Proposed Site Levels:** about +14.2mPD



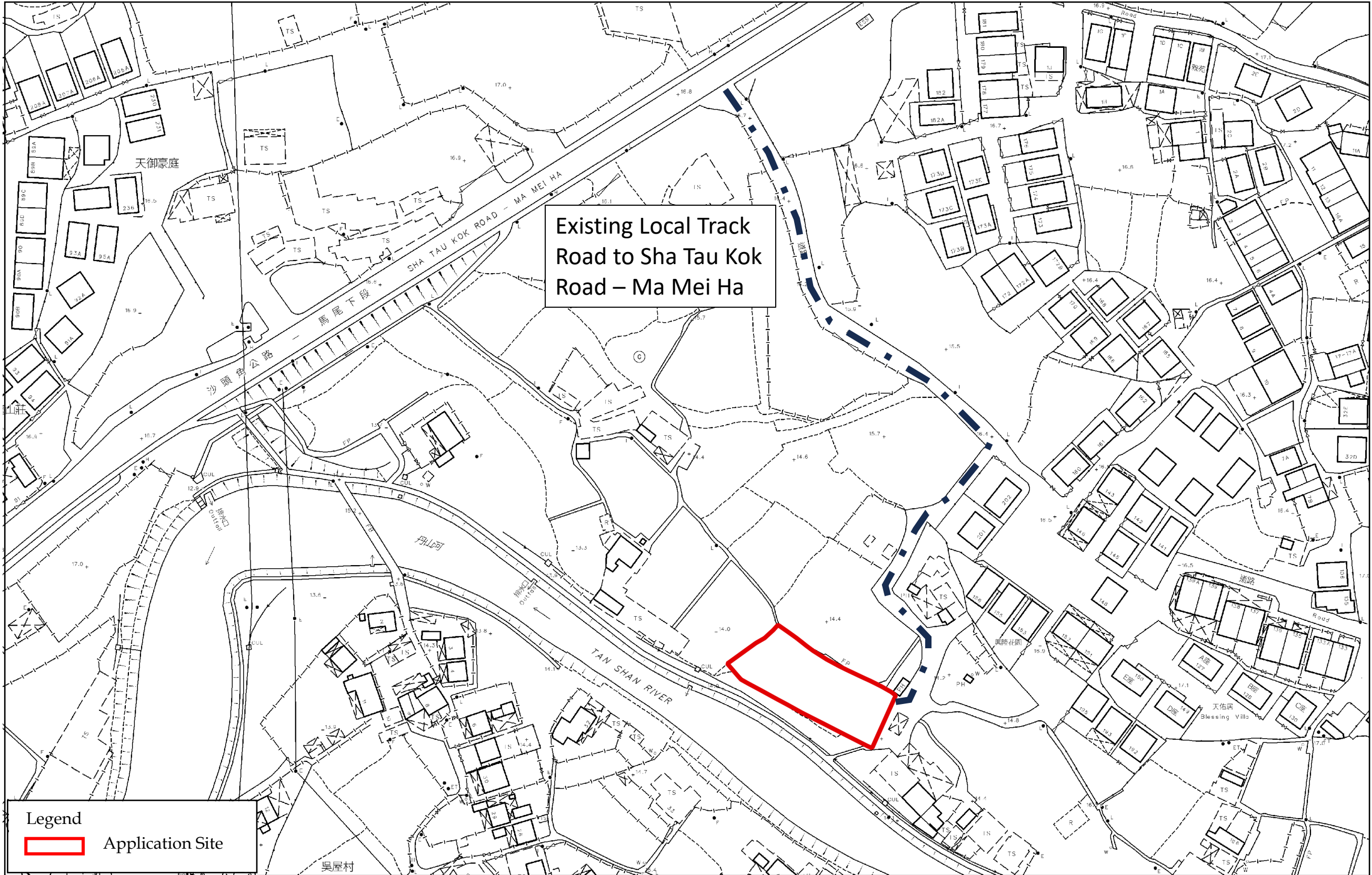
Legend

-  Application Site
-  Proposed Land Fill

 **LCH Planning and Development**  
Consultants Limited

Section 16 Application for Proposed Filling of Land for Agricultural Use with Ancillary Solar Panels at Lot No. 1522 in D.D. 76 Kan Tau Tsuen, Fanling





Existing Local Track  
Road to Sha Tau Kok  
Road – Ma Mei Ha

**Legend**

 Application Site

 **LCH Planning and Development  
Consultants Limited**

Section 16 Application for Proposed Filling of Land for Agricultural Use with Ancillary Solar Panels at Lot No. 1522 in D.D. 76 Kan Tau Tsuen, Fanling

Annex 2 : Traffic Route



**LCH Planning and Development  
Consultants Limited**

Section 16 Application for Proposed Filling of Land for Agricultural Use with Ancillary Solar Panels at Lot No. 1522 in D.D. 76 Kan Tau Tsuen, Fanling

Annex 3 : Existing Tree Group