

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/700

- Applicant** : Yuen Long Land Planning and Development Company Limited represented by Conrad Tang & Associated Limited
- Site** : Lots 1632 (Part), 1633 (Part), 1634 (Part), 1635 (Part), 1636 (Part), 1637 S.A (Part) and 1637 S.B (Part) in D.D 116, Shek Tong Tsuen, Yuen Long, New Territories
- Site Area** : About 2,833m²
- Lease** : Lots 1632, 1633, 1634, 1637 S.A and 1637 S.B in D.D. 116
- held under Block Government Lease (demised for agricultural use)
- Lots 1635 and 1636 in D.D. 116
- held under Tai Po New Grant No. 5712 for agricultural purpose
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Agriculture” (“AGR”)
- Application** : Applied/Proposed Filling of Land for Permitted Agricultural Use

1. The Proposal

- 1.1 The applicant seeks planning permission for applied/proposed filling of land at the application site (the Site) zoned “AGR” on the OZP for permitted agricultural use (**Plan A-1**). According to the Notes of the OZP, ‘Agricultural Use’ is a Column 1 use which is always permitted within the “AGR” zone. However, any filling of land, including that to effect a change of use to any of those specified in Columns 1 and 2 requires planning permission from the Town Planning Board (the Board)¹. The northern portion of the Site is currently used for agricultural use which is always permitted within the “AGR” zone. Majority of the Site is covered by soil while the southeastern part of the Site has been partly hard paved and/or covered by a temporary structure for storage of construction materials and parking of vehicles without valid planning permission.

¹ This restriction does not apply to filling of land specifically required under prior written instructions of government department(s) or for the purposes of laying of soil not exceeding 1.2m in thickness for cultivation.

- 1.2 The Site is accessible from Yau Shin Street via a local track with an ingress/egress point at the south (**Drawing A-1** and **Plan A-2**). According to the applicant, the proposal is for an organic farm operated by local villagers. The farm consists of a cultivation area (of about 576.5m²) in its northern part and sheep raising areas with fruit trees and embankment planting along the boundary of the Site (**Drawings A-2** and **A-5**). According to the land filling proposal, it involves (a) land filling works that had been undertaken at the Site (i.e. about 1,852m² or 65% of the Site), of which about 1,720m² have already been paved with soil and about 132m² paved with concrete (**Drawing A-3**); and (b) filling the southeastern portion of the Site (about 44m²) with concrete for erection of ancillary temporary structures for storage use and the western edge and middle portion of the Site (about 937m²) with soil for levelling the Site to a similar level as the local roads and paths to reduce the risks of flooding (**Drawing A-3**). As the northern portion of the Site is currently used for agricultural use (laying of soil not exceeding 1.2m in thickness for cultivation) which is always permitted within the “AGR” zone, this application is for (i) the regularisation of/proposed land filling with soil for sheep raising areas (about 2,080.5m²), and (ii) the regularisation of/proposed land filling with concrete for ancillary storage use (about 176m²). Plans showing the access, site layout, site paving plan, sections and landscape proposal submitted by the applicant are at **Drawings A-1** to **A-5** respectively. The detailed parameters of the land filling are summarised as follows:

	Existing Condition	Proposed	Total
Filling of Land with Soil²	About 1,720m ² ⁽³⁾ (60 % of the Site) (in a depth of 0.3m to 1.5m)	About 937m ² (33% of the Site) (in a depth of 0.3m to 0.9m)	<u>About 2,657m²</u> <u>(93 % of the Site)</u> ⁽³⁾
Filling of Land with Concrete	About 132m ² (5 % of the Site) (in a depth of not more than 0.2m)	About 44m ² (2% of the Site) (in a depth of not more than 0.2m)	<u>About 176m²</u> <u>(7 % of the Site)</u>
Total	<u>About 1,852m²⁽³⁾</u> <u>(65 % of the Site)</u>	<u>About 981m²</u> <u>(35 % of the Site)</u>	About 2,833m²⁽³⁾

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

- (a) Application Form with attachment received on 5.2.2025 (Appendix I)
- (b) Supplementary Information (SI) received on 13.2.2025 (Appendix Ia)
- (c) Further Information (FI) received on 31.3.2025[^] (Appendix Ib)
[^accepted but not exempted from publication and recounting requirements]
- (d) FI received on 29.4.2025* (Appendix Ic)

² Whilst ‘Agricultural Use’ in “AGR” zone is always permitted, any filling of land (except for laying of soil not exceeding 1.2m in thickness for cultivation or construction of any agricultural structure with prior written approval issued by Lands Department (LandsD)) requires planning permission from the Board.

³ It includes 576.5m² of cultivation area which is always permitted within the “AGR” zone.

- (e) FI received on 7.5.2025* (Appendix Id)
[*accepted and exempted from publication and recounting requirements]

1.4 On 28.3.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months 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, SI and FIs at **Appendices I to Id**. They can be summarised as follows:

- (a) the Site has been used as an organic farm for cultivation of fruits and vegetables as well as sheep raising since September 2024 which could serve the local villagers' needs and increase food self-sufficiency;
- (b) the current application is to regularise the unauthorized land filling at the Site to support the existing farming operations. The hard paving area is minimized for erection of converted containers for ancillary uses and agricultural storage uses to meet the operational needs;
- (c) no tree felling and vegetation clearance will be involved; and
- (d) the proposed use is compatible with adjoining land uses, and no adverse traffic, environmental, drainage, visual and landscape impacts are envisaged.

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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending the notice to Shap Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

4.1 According to the aerial photos (**Plan A-3b**), the Site and its adjoining areas have been covered by vegetation and/or occupied by patches of farming field since 2004⁴.

⁴ 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 Tai Tong OZP No. S/YL-TT/12 (i.e. 1.4.2005) without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

- 4.2 The Site is subject to active planning enforcement actions against unauthorized development (UD) involving filling of land (No. E/YL-TT/726 and 727) (**Plan A-2**). Reinstatement Notices (RNs) were issued on 15.8.2024 and 23.8.2024 respectively requiring the notice recipients to remove the leftover, debris and fill materials on the land and to grass the land by 15.11.2024 and 23.11.2024 respectively. Some of the notice recipients sought to review the decision of the Planning Authority on 18.10.2024. The RN review is being handled by Secretary for Development (SDEV) and the RNs are being suspended pending SDEV's decision on the RN review. The Site will be kept under close monitoring for further action.
- 4.3 The RN review does not cover Lots 1635, 1636, 1637 S.A and 1637 S.B in 116 and the respective RNs covering these lots are still effective. According to the latest site inspection in February 2025, these lots have not been satisfactorily reinstated upon expiry of the RNs. As such, prosecution action against these lots is being considered.

5. Previous Application

There is no previous application concerning the Site.

6. Similar Application

There is a similar application (No. A/YL-TT/372) for filling of land for permitted agricultural use and construction of an 6m wide access road within the same "AGR" zone which was rejected by the Committee on 4.3.2016 mainly on the ground that the proposed filling of land for construction of an access road was not in line with the planning intention and there was no strong planning justification to support a departure from the planning intention; the then applicant failed to demonstrate that the proposed land filling with concrete-paving was essential for genuine agricultural propose; and approval of the application would set an undesirable precedent for similar application. Details of this similar application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4c)

7.1 The Site is:

- (a) partly used for agricultural use in the northern portion which is always permitted within the "AGR" zone. Majority of the Site is covered by soil while the southeastern part of the Site has been paved and/or covered by a temporary structure for storage of construction materials and parking of vehicles without valid planning permission; and
- (b) accessible from Yau Shin Street via a local track.

7.2 The surrounding areas are of rural landscape character comprising farmlands, pigsty, unused/vacant land, graves, temporary structures and open storage/storage yards.

The open storage/storage yards are suspected UD's 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, permission from the Board is required for filling of land within the "AGR" zone as such activity may cause adverse drainage and environmental impacts on the adjacent areas.

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

The application and relevant FI were published for public inspection. During the statutory publication periods, five public comments were received from four individuals and one from Kadoorie Farm & Botanic Garden Corporation respectively (**Appendix V**) objecting to the application mainly on the grounds that (i) the Site was grown with native species and vegetation on which the applied/proposed land filling would have adverse impact; and (ii) it is doubtful whether the proposal is for genuine farming and approving the application is appropriate if the Site is the subject of ongoing enforcement cases and falls within the Agricultural Priority Area.

11. Planning Considerations and Assessments

- 11.1 The application is for regularisation of/proposed filling of land (i.e. (i) the regularisation of/proposed land filling with soil for sheep raising areas (about 2,080.5m²), and (ii) the regularisation of/proposed land filling with concrete (about 176m²) for ancillary storage use) for permitted agricultural use 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. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Whilst 'Agricultural Use' in "AGR" zone is always permitted, any filling of land (except for laying of soil not exceeding 1.2m in thickness for cultivation or construction of any agricultural structure with prior written approval issued by LandsD) requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. According to the applicant's submission, the filling of land with soil is for sheep raising areas and levelling the Site to a similar level as the local roads and paths to reduce the risks of flooding,

while the filling of concrete is to provide a solid foundation for the erection of structures for ancillary storage use to facilitate the organic farming at the Site. In this regard, the Director of Agriculture, Fisheries and Conservation (DAFC) has no adverse comment on the applicant's justifications, and has no strong view on the application from agricultural perspective. The Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection also have no objection to the application from drainage and environmental perspectives respectively.

- 11.2 The applied/proposed filling of land for permitted agricultural use is considered generally not incompatible with the surrounding areas which are of rural landscape character comprising farmlands, pigsty, unused/vacant land, graves, temporary structures and open storage/storage yards (**Plan A-2**).
- 11.3 Other concerned government departments consulted, including the Commissioner for Transport and Director of Fire Services have no objection to or no adverse comment from traffic and fire safety perspectives respectively. DAFC also has no comment on the application from nature conservation perspective. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of the concerned government departments.
- 11.4 There is a similar application for permitted agricultural use and construction of a 6m wide access road which was rejected by the Committee in 2016 on the grounds mentioned in paragraph 6 above, including the then applicant failed to demonstrate that the proposed land filling with concrete-paving was essential for genuine agricultural propose. For the current application, the filling of land with concrete is small in scale (i.e. about 176m² or 7 % of the Site in a depth of not more than 0.2m) for erection of ancillary temporary structures for ancillary storage use, and the regularisation of/proposed filling of land with soil (i.e. about 2,080.5m²) is for sheep raising use and levelling the Site to reduce the risks of flooding. The applicant also commits that no further filling of land would be carried out apart from the scheme as applied/proposed. In view of the above, approval of the current application is not in conflict with the Committee's previous decision; and sympathetic consideration may be given to the application.
- 11.5 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraph 11.1 to 11.4 above are relevant. Any unauthorized developments on the Site would be subject to planning enforcement action.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested the permission shall be valid until 23.5.2029, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is

commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a drainage proposal before commencement of the land filling works on the site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) in relation to (a) above, the implementation and maintenance of the drainage proposal upon completion of the land filling works to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

- 12.3 Alternatively, should the Board decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applicant fails to demonstrate that the applied/proposed filling of land is justifiable for the proposed agricultural use.

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.
- 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 attachments received on 5.2.2025
Appendix Ia	SI received on 13.2.2025
Appendix Ib	FI received on 31.3.2025
Appendix Ic	FI received on 29.4.2025
Appendix Id	FI received on 7.5.2025
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Access Route
Drawing A-2	Proposed Layout Plan
Drawing A-3	Site Paving Plan
Drawing A-4	Section

Drawing A-5	Landscape Proposal
Plan A-1	Location Plan with Similar Application
Plan A-2	Site Plan
Plans A-3a and 3b	Aerial Photos
Plans A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
MAY 2025**