

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PN/85

- Applicant** : Ms. Yang Kerwan Christine represented by Goldrich Planners and Surveyors Limited
- Site** : Lot 60 S.C (Part) in D. D. 135, Sheung Pak Nai, Yuen Long, New Territories
- Site Area** : About 2,228m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan (OZP) No. S/YL-PN/9
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) with Ancillary Facilities for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary place of recreation, sports or culture (hobby farm) with ancillary facilities for a period of five years at the application site (the Site) (**Plan A-1**) zoned “AGR” on the OZP. According to the Notes of the OZP for “AGR” zone, ‘Place of Recreation, Sports or Culture’ is Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, fenced-off and occupied by converted containers, solar panels and potted plants (**Plans A-2, and A-4a to A-4c**).
- 1.2 The Site is accessible from Nim Wan Road with the ingress/egress located at the north of the Site (**Drawing A-2**). As shown on the layout plan at **Drawing A-1**, 49 single-storey structures (about 6m in height) with a total floor area of 1,418m² are proposed within the Site, including seven open sheds and 42 container-converted structures for indoor agricultural room, temperature-controlled germination room, storage, resting room, seating area, meter room and transformer room uses. Ancillary solar panels are proposed to be installed above the open sheds for providing electricity for the daily operation of the farm. The total area for cultivation including covered agricultural areas and open farming areas is about 1,425m² (or 64% of the Site). The produces are mainly vegetables, flowers and houseplants. Visitors could experience organic farming activities and grow baby plants at the farm. Educational workshops for schools and organizations will also be provided. Two to three staff members will station at the Site to maintain the operation of the farm. No public announcement systems, whistle blowing or portable loudspeaker will be allowed within the Site.

- 1.3 According to the applicant, the operation hours would be between 9 a.m. to 6 p.m. daily, including Sundays and public holidays and agricultural activities for visitors will be organized throughout the week. Advanced booking is required for customers visiting the Site. A maximum of 10 visitors per day during weekends and public holidays are expected. One parking space for Light Goods Vehicle and one parking space for private car will be provided. Customers could also access the Site by Green Minibus and then walk to the Site.
- 1.4 In support of the application, the applicant has submitted the following documents:
- | | | |
|-----|--|---------------|
| (a) | Application Form with attachments received on 8.4.2025 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 10.4.2025 | (Appendix Ia) |
| (c) | Further Information (FI) received on 24.4.2025* | (Appendix Ib) |
| (d) | FI received on 14.5.2025* | (Appendix Ic) |
| (e) | FI received on 28.5.2025* | (Appendix Id) |

**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, SI and FI at **Appendices I to Id**. They can be summarised as follows:

- (a) given that the proposed use is temporary in nature, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone;
- (b) the hard-paving on the Site had been in existence before the incorporation of land filling restriction to the “AGR” zone on the Sheung Pak Nai and Ha Pak Nai OZP No. S/YL-PN/7¹;
- (c) the proposed use would promote agricultural activities in the area. Educational workshops would be provided for schools and organizations to teach basic farming knowledge and technique;
- (d) the site is mainly for the early stages of plant growing which do not require much sunlight. Visitors can participate in growing baby plants at the hobby farm. Once the plants have grown, they will be distributed to partnering schools and religious groups or transported to other farm sites operated by the applicant with stronger sunlight for growing into mature plants;
- (e) the proposed use is not incompatible with the surrounding land uses. No clearance of natural vegetation and tree felling would be undertaken. As such, the proposed use would not generate adverse visual and landscape impacts; and
- (f) adverse impact on traffic and environment aspects would not be generated. Drainage facilities would be provided.

¹ The draft Sheung Pak Nai and Ha Pak Nai OZP No. S/YL-PN/7 was gazetted on 29.4.2005.

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 Ordinance (TPB PG-No. 31B) by obtaining owner’s consent. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is not subject to any planning enforcement action. Should there be sufficient evidence to form an opinion that there is unauthorized development (UD) at the Site, planning enforcement action would be taken.

5. **Previous Applications**

- 5.1 The Site was involved in three previous applications (No. A/YL-HT/414, A/YL-PN/30 and A/YL-PN/73) for various uses/developments. One of them was approved whilst two were rejected by the Rural and New Town Planning Committee (the Committee) of the Board. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

Approved Application

- 5.2 Application No. A/YL-PN/73 involving part of the Site for temporary shop and services (plant showroom) for a period of three years was approved with conditions by the Committee on 22.12.2023 mainly on considerations that the proposed plant showroom is in fact within a plant nursery for flower cultivation and the hard-paving on site had existed before the incorporation of land filling restriction to the subject “AGR” zone in the Sheung Pak Nai and Ha Pak Nai OZP No. S/YL-PN/7 gazetted in 2005 (**Plan A-3b**). All time-limited approval conditions have not yet been complied with. The planning permission is still valid until 22.12.2026.

Rejected Applications

- 5.3 Application No. A/YL-HT/414 covering a much larger site for temporary racing circuit and Application No. A/YL-PN/30 for temporary storage/open storage of construction materials, equipment and containers were rejected by the Committee in 2005 and 2011 respectively. The considerations of these previous applications are not relevant to the current application which involves a different use.

6. **Similar Application**

There is no similar application for hobby farm use within the subject “AGR” zone.

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

- 7.1 The Site:

- (a) falls within the Sheung Pak Nai Site of Archaeological Interest;
 - (b) is hard-paved, fenced-off and occupied by converted containers, solar panels and potted plants; and
 - (c) is accessible from Nim Wan Road to the north of the Site.
- 7.2 The surrounding areas are predominated by residential dwellings, cultivated agricultural land and shrubland/woodland. Other uses/features such as storage/open storage yards, plant nursery and a pond are also located in the vicinity. Some of the uses are suspected UD's subject to planning enforcement action.

8. Planning Intention

The "AGR" 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.

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 Comment Received During Statutory Publication Period

On 15.4.2025, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix V**) was received objecting to the application mainly on the ground that the application for temporary hobby farm is for disguising brownfield uses at the Site.

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 five years within the "AGR" zone of the OZP (**Plan A-1**). According to the proposal, the majority of the Site will be used for cultivation area (64%, or about 1,425m²) and the proposed use is 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 on the understanding that agricultural activities are involved in the proposed hobby farm. In view of the above and taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of five years.
- 11.2 The Site is located in an area predominated by residential dwellings, cultivated agricultural land and shrubland/woodland. The proposed use is considered not incompatible with the surrounding land uses.

- 11.3 Other concerned government departments including the Commissioner for Transport, Director of Environmental Protection, Chief Town Planner/Urban Design and Landscape of Planning Department, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD), Director of Fire Services (D of FS) and Chief Heritage Executive (Antiquities and Monuments) of Antiquities and Monuments Office have no objection to or no adverse comment on the application on traffic, environmental, landscape, drainage, fire safety and archaeological aspects. The technical requirements of CE/MN of DSD and D of FS could be addressed by imposing approval conditions recommended in paragraph 12.2 below. 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' should the application be approved by the Committee.
- 11.4 Although the Site had been hard-paved before the incorporation of land filling restriction to the subject "AGR" zone in the Sheung Pak Nai and Ha Pak Nai OZP No. S/YL-PN/7 gazetted in 2005 (**Plan A-3b**), since the Site is zoned "AGR", an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the "AGR" zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.5 Regarding the public comment objecting to the application as stated in paragraph 10 above, any UD 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 comment 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 that the permission shall be valid on a temporary basis for a period of five years until **6.6.2030**. 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 and the Chief Heritage Executive (Antiquities and Monuments) of Antiquities and Monuments Office or of the Town Planning Board by **6.12.2025**;
- (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 and the Chief Heritage Executive (Antiquities and Monuments) of Antiquities and Monuments Office or of the Town Planning Board by **6.3.2026**;
- (c) in relation to (b) above, the implemented drainage facilities 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 **6.12.2025**;
- (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 **6.3.2026**;
- (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, including the removal of fill materials and hard paving and grassing of the Site 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 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. There is no strong planning justification 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 planning 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 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 attachments received on 8.4.2025
Appendix Ia	SI received on 10.4.2025
Appendix Ib	FI received on 24.4.2025
Appendix Ic	FI received on 14.5.2025
Appendix Id	FI received on 28.5.2025
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment Received During Statutory Publication Period
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos taken in 2024 and 2005
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
JUNE 2025**