

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

**APPLICATION NO. A/YL-SK/398**

<b><u>Applicant</u></b>	:	Mr. Wong Wai Kin represented by Goldrich Planners and Surveyors Ltd.
<b><u>Site</u></b>	:	Lot 386 S.A in D.D. 112, Yuen Long, New Territories
<b><u>Site Area</u></b>	:	258m <sup>2</sup> (about)
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) with Ancillary Facilities for a Period of 5 Years and Associated Filling of Land

**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 and associated filling of land at the application site (the Site), which falls within an area 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)’, which is a Column 2 use, and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently paved, fenced-off and occupied by some temporary structures with potted plants and horticulture tools (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from a local access leading to Kam Sheung Road, with a pedestrian access at the south-western part of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, the proposed use comprises four temporary structures with a total floor area of about 78m<sup>2</sup>, including one two-storey structure for office and storage use (not more than 7m in height), one single-storey existing meter room (about 2.3m in height), one single-storey open shed (not more than 4.5m in height) and a toilet (about 3m in height). The remaining area of about 176m<sup>2</sup> (about 68% of the Site) will be used as farming area. The Site will accommodate a maximum of five visitors per day and there will be two to three staff members working at the Site. Both visitors and staff members will take public transport to the Site and no parking spaces will be provided. The proposed operation hours will be from 9:00 a.m. to 6:00 p.m. daily, including Sundays and public holidays. No public announcement system, whistle-blowing and portable loud speaker or any form of audio amplification system will be used at the Site.

- 1.3 The applicant also applies for regularisation of filling of land at the eastern part of the Site with a total area of about 82m<sup>2</sup> (about 32% of the Site) with concrete of 0.1m in depth (raising the site level from +21.9mPD to +22mPD) for erection of the temporary structures as detailed in paragraph 1.2 above (**Drawing A-2**). According to the applicant, no further filling of land is required. The applicant also commits to reinstate the Site upon expiry of the application. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 16.12.2024 (**Appendix I**)
  - (b) Further Information (FI) received on 14.4.2025\* (**Appendix Ia**)
- \* accepted and exempted from publication and recounting requirements*
- 1.5 On 14.2.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the applicant 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 and FI at **Appendices I to Ia** and can be summarised as follows:

- (a) The current temporary application for period of five years will not frustrate the long-term planning intention of the “AGR” zone.
- (b) The proposed use is intended to promote agricultural culture and encourage green lifestyles, and is considered not incompatible with the surrounding area which includes fallow agricultural land and plant nursery. Similar applications have also been approved in the same “AGR” zone of the same OZP. Hence, approval of the current application is in line with the previous decisions of the Board.
- (c) Most of the Site (about 68%) is proposed for farming area while the remaining area has already been filled for erection of ancillary temporary structures. The existing concrete paving at the proposed farming area will be removed. The applicant will submit and implement a drainage proposal upon approval of the application to minimise any adverse drainage impact arising from the proposed use. Moreover, the applicant has committed to remove the concrete paving and reinstate the Site upon expiry of the planning permission.
- (d) Both visitors and staff members will take public transport to the Site and no parking spaces will be provided. A visit-by-appointment scheme will be adopted to control crowd sizes, allowing a maximum of five visitors per day. Therefore, no adverse traffic impact is anticipated.
- (e) The proposed use will not induce adverse environmental, visual and landscape impacts. The applicant will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (CoP) issued by the Environmental Protection Department (EPD) to minimise any possible environmental impact.

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

The applicant is the sole “current land owner”. 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**

The Site is not subject to any previous application.

### 6. **Similar Applications**

- 6.1 During the past five years, there are nine similar applications (No. A/YL-SK/291, 294, 299, 306, 314, 322, 356, 368 and 374) for temporary place of recreation, sports or culture (except application No. A/YL-SK/368, all other applications involve hobby farm) with or without filling of land within the same “AGR” zone in the vicinity of the Site. Six of the applications (No. A/YL-SK/294, 299, 306, 356, 368 and 374) were approved with conditions by the Committee between 2021 and 2024 mainly on the considerations that the proposed/applied use would not jeopardise the long-term planning intention of “AGR” zone; the proposed/applied use was not incompatible with the surrounding environment; and government departments consulted generally had no adverse comment on the application or their technical concerns could be addressed by approval conditions.
- 6.2 The remaining three applications (No. A/YL-SK/291, 314 and 322) were rejected by the Committee between 2020 and 2023. Application No. A/YL-SK/291 for temporary place of recreation, sports or culture (hobby farm) and animal hospice services establishment was rejected by the Committee mainly on the grounds that the applied use with cremation of animal bodies was not in line with the planning intention of the “AGR” zone; the applied use was incompatible with the surrounding areas; and approval of the application would set an undesirable precedent. Applications No. A/YL-SK/314 and 322 were rejected by the Committee or the Board on review mainly on the ground that the application site was in close proximity to Shek Kong Barracks and the approval of the applications might result in security concerns.
- 6.3 Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.4 Other than the similar applications as stated in paragraphs 6.1 and 6.2 above, application No. A/YL-SK/400 for the similar use of temporary place of recreation, sports or culture with ancillary facilities and associated filing of land will be considered by the Committee at the same meeting (**Plan A-1**).

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

7.1 The Site is:

- (a) currently paved, fenced-off and occupied by some temporary structures with potted plants and horticulture tools; and
- (b) accessible from a local access leading to Kam Sheung Road.

7.2 The surrounding areas are rural in character predominated by fallow agricultural land, place of recreation, sports or culture (with valid planning permission under planning application No. A/YL-SK/368), low-rise residential structures, scattered temporary structures for storage and motor service uses, and vacant land.

## **8. Planning Intention**

8.1 The planning intention of the “AGR” zone is 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 the “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 within the “AGR” zone.

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

9.1 Apart from the government department as set out in paragraph 9.2 below, other government 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, if any, are provided in **Appendices III** and **IV** respectively.

9.2 The following government department conveys local objection on the application:

### **District Officer’s Comments**

9.2.1 Local comment conveyed by the District Officer (Yuen Long), Home Affairs Department (DO/YL, HAD) is as follows:

the village representatives of Lin Fa Tei Tsuen object to the application mainly on the grounds that the proposed use may induce traffic and environmental hygiene concerns and create nuisance. They also concerned that the application may be a pretext for other use such as warehouse.

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

On 24.12.2024, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix V**). One comment was

received from the village representatives of Lin Fa Tei Tsuen objecting to the application with the same grounds as detailed in paragraph 9.2.1 above. The remaining two were from individuals objecting to the application mainly on the grounds that the Site is too small for viable operations and the application may be intended for brownfield operations. They also expressed concerns about potential non-compliance with approval conditions and that the filling of land would cause nuisance and environmental pollution.

## **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 and associated filling of land at the Site zoned “AGR” (**Plan A-1**). While the proposed use is not entirely in line with the planning intention of the “AGR” zone, according to the applicant, about 176m<sup>2</sup> (about 68% of the Site) will be used for farming area and the Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural perspective on the understanding that agricultural activities are involved in the proposed use. 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 with associated filling of land.
- 11.2 Filling of land in “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North, Drainage Services Department and Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively. As 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.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character predominated by fallow agricultural land, place of recreation, sports or culture, low-rise residential structures, scattered temporary structures for storage and motor service uses, and vacant land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) considers significant adverse impact on both landscape resources and character arising from the proposed use is not anticipated and has no adverse comment on the application from landscape planning perspective.
- 11.4 Other relevant government departments consulted including the Commissioner for Transport and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the CoP issued by EPD and other relevant environmental guidelines and legislation to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas.
- 11.5 There were five similar approved applications for proposed temporary place of recreation, sports or culture (hobby farm) with filling of land within the same “AGR” zone in the vicinity of the Site as detailed in paragraph 6 above. Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the local comment conveyed by DO/YL, HAD and the public comments as

stated in paragraphs 9.2.1 and 10 above respectively, the planning considerations and departmental comments above are relevant. In respect of the concern that the application may be intended for brownfield operation, any unauthorized development 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 and having taken into account the local comment conveyed by DO/YL, HAD and the public comments mentioned in paragraphs 9.2.1 and 10 above, PlanD 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 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 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 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 hard paving and fill materials and grassing of the site 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 use with 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. It is also intended 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. The Proposal**

<b>Appendix I</b>	Application Form received on 16.12.2024
<b>Appendix Ia</b>	FI received on 14.4.2025
<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>	Layout Plan
<b>Drawing A-2</b>	Land Filling Area Plan
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos