

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/400

<u>Applicant</u>	:	Mr. LO Shing Tung represented by R-riches Property Consultants Limited
<u>Site</u>	:	Lots 110 S.A RP, 110 S.B, 110 S.C, 110 S.D ss.1 S.A, 110 S.D ss. 1 RP, 110 S.D ss.2, 110 S.D ss.3 and 110 S.D RP in D.D. 112, Shek Kong, Yuen Long, New Territories
<u>Site Area</u>	:	About 2,856m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Temporary Place of Recreation, Sports or Culture 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 temporary place of recreation, sports or culture with ancillary facilities for a period of three 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 covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is fenced-off, partly covered by grass and partly hard-paved with structures erected, and is currently used for the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Sheung Road via Ko Sheung Road and Nam Hing West Road (**Plan A-2**), with an ingress/egress (about 7.3m wide) at the northern part of the Site. According to the applicant, the applied use comprises one two-storey structure (about 7m in height) and two single-storey structures (about 3m to 4m in height) with a total floor area of about 409m² for activity room, washroom, site office, store room and rain shelter (**Drawing A-1**). The applicant also applies for regularisation of filling of land for about 863m² (30.2% of the Site) with concrete of not more than 0.2m in depth (to a level of not more than 26.5mPD) for site formation and circulation (**Drawing A-2**). According to the applicant, the recreational, sports or cultural activities to be held at the Site include wedding banquet, ball games, dancing, painting, drawing and yoga

classes etc.. The open area is mainly a lawn area for recreational, sports or culture activities, which can be converted to tennis court, volleyball court, football pitch and lawn bowl court, circulation space and landscaping area (**Drawing A-1**). Two private car parking spaces and one loading/unloading (L/UL) space for light bus/light goods vehicle are provided within the Site. Ancillary solar panels are installed atop one of the structures to support the operation of the applied use. The operation hours are from 10:00 a.m. to 10:00 p.m. daily, including public holidays. According to the applicant, the applied use will accommodate not more than 50 visitors per day. No public announcement system or any form of audio amplification system will be used at the Site. The layout plan and land filling area plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

- 1.3 Part of the Site is the subject of two previously approved applications (No. A/YL-SK/244 and 306) for temporary place of recreation, sports or culture (hobby farm) with or without filling of land submitted by the same applicant, which were approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2018 and 2021 respectively. Both planning permissions were revoked in 2021 and 2024 respectively due to non-compliance with approval conditions (detailed at paragraph 5 below). Comparing with the last approved application (No. A/YL-SK/306), the current application involves a larger site for different use with corresponding changes in development parameters and layout. A comparison of the major developments parameters of the current application and the last application is summarised as follows:

Major Development Parameters	Last Approved Application No. A/YL-SK/306 (a)	Current Application No. A/YL-SK/400 (b)	Difference (b) – (a)
Proposed Use/ Applied use	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) and Filling of Land	Temporary Place of Recreation, Sports or Culture with Ancillary Facilities and Associated Filling of Land	Provision of venues for different recreational, sports or culture activities instead of hobby farm
Site Area (about)	1,769m ²	2,856m ²	+1,087m ² (+61%)
Total GFA (about)	180m ²	472m ²	+292m ² (+162%)
No. of Structures	2	3	+1 (+50%)
Building Height (about)	3.5m to 6m (1 to 2 storeys)	3m to 7m (1 to 2 storeys)	+1m (+17%)
Parking Spaces	3	2	-1 (-33%)
L/UL Space	1	1	No change

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

- (a) Application Form received on 18.12.2024 **(Appendix I)**
(b) Further Information (FI) received on 10.4.2025* **(Appendix Ia)**
** accepted and exempted from publication and recounting requirements*

- 1.5 On 14.2.2025, 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 and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The applied use can cater for the demand of recreational, sports or cultural activity venue in rural area and serve the nearby locals.
- (b) The Site has been left vacant without active agricultural activities. Temporary approval of the applied use will better utilize precious land resources and will not frustrate the long-term planning intention of the “AGR” zone. The applicant only applies for regularisation of associated filling of land at the Site for site formation of structures, parking and L/UL spaces and circulation area. No further filling of land will be carried out.
- (c) The applied use with low-rise structure is not incompatible with the surrounding environment, which is dominated by residential, recreational and agricultural uses.
- (d) The Site will only be rented out to visitors who have made reservation in advance for conducting various types of recreational, sports or cultural activities. Walk-in visitors will not be served. Besides, the majority of visitors and staff are required to make use of public transport services to access the Site. As such, adverse traffic impact is not anticipated.
- (e) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (CoP) and the relevant Professional Persons Environmental Consultative Committee Practice Notes to minimise possible environmental impacts. Staff will be deployed at the Site to control noise pollution at night time to minimise nuisance to nearby sensitive receivers.
- (f) The applicant has submitted a drainage proposal, a fire service installations (FSIs) proposal, a run-in/out proposal as well as a set of photographic records of existing run-in/out to support the current application.
- (g) The applicant was unable to comply with the approval condition in relation to the modification work proposal of the public footpath and associated street furniture under the previous application No. A/YL-SK/306, as the applicant’s contractor failed to construct the proposed run-in/out in accordance with the standard of the Highways Department. In the current submission, the applicant has submitted a revised run-in/out proposal and undertakes to construct the run-in/out proposal accordingly.

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

The applicant is not a “current land owner” of the Site 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 posting site notice and sending notice to Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to any active planning enforcement action. Part of the Site was previously covered by planning permission (No. A/YL-SK/306) for proposed temporary place of recreation, sports or culture (hobby farm) for a period of five years and filling of land, which was revoked on 11.11.2024. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. Previous Applications

- 5.1 The Site, in whole or in part, is the subject of four previous applications (No. A/YL-SK/219, 230, 244 and 306). Two of which (No. A/YL-SK/219 and 230) were for proposed house (New Territories Exempted House – Small House) and the considerations are not relevant to the current application which involves different use.
- 5.2 The remaining two previous applications for temporary place of recreation, sports or culture (hobby farm) for a period of three years (No. A/YL-SK/244) and for a period of five years with filling of land (No. A/YL-SK/306), which were submitted by the same applicant as the current application. These two applications covered a smaller site area and involved use of different nature and different layouts when compared with the current application (differences between the current application and the last application (No. A/YL-SK/306) are set out in paragraph 1.3 above). Both applications were approved by the Committee in 2018 and 2021 respectively mainly on the considerations that the approval of the application on temporary basis would not jeopardise the long-term planning intention of “AGR” zone; the proposed 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. The planning permission under application No. A/YL-SK/244 was subsequently revoked in 2021 due to non-compliance with the time-limited approval conditions related to the implementation of modification work proposal of the existing public footpath and associated street furniture, landscape proposal and drainage proposal; whereas the planning permission under application No. A/YL-SK/306 was subsequently revoked in 2024 due to non-compliance with time-limited approval conditions related to the submission and implementation of modification work proposal of the existing public footpath and associated street furniture and the implementation of drainage proposal.
- 5.3 Details of the previous applications are summarised at **Appendix II** and their location are shown on **Plan A-1**.

6. Similar Applications

- 6.1 During the past five years, there are eight similar applications (No. A/YL-SK/291, 294, 299, 314, 322, 356, 368 and 374) for temporary place of recreation, sports or culture (including six with filling of land) within the same “AGR” zone in the vicinity of the Site. Five of the applications (No. A/YL-SK/294, 299, 356, 368 and 374) were approved with conditions by the Committee between 2021 and 2024, mainly on the similar considerations as stated in paragraph 5.2 above. The remaining three applications were rejected by the Committee or the Board on review between 2020 and 2023 mainly on the grounds that the applied use with animal hospice services establishment was not in

line with the planning intention of the “AGR” zone and was incompatible with the surrounding areas (No. A/YL-SK/291); and that the application site was in close proximity to Shek Kong Barracks and the approval of the application might result in security concerns (No. A/YL-SK/314 and 322). Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

- 6.2 Other than the similar applications as stated in paragraph 6.1 above, application No. A/YL-SK/398 for the similar use of proposed temporary place of recreation, sports or culture (hobby farm) with ancillary facilities and associated filling 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) fenced-off, partly vacant and partly hard-paved with structures erected;
- (b) currently used for the applied use without valid planning permission; and
- (c) accessible from Kam Sheung Road via Ko Sheung Road and Nam Hing West Road.

- 7.2 The surrounding areas are rural in character and predominated by residential structures, active farmland, plant nursery, hobby farm (with valid planning permission under application No. A/YL-SK/299) and vacant/unused 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, 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 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 does not support the application:

Agriculture and Nature Conservation

9.2.1 Comments of the Director of Agriculture, Fisheries and Conservation:

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally vacant with some structures. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) no comment on the application from nature conservation perspective.

10. Public Comments Received During Statutory Publication Period

On 27.12.2024, the application was published for public inspection. During the statutory public inspection period, three public comments were received from the Pat Heung Rural Committee, Kadoorie Farm & Botanic Garden Corporation and an individual, all raising objections mainly on the grounds that the applied use and associated filling of land would cause environmental pollution to the surrounding areas; the applied use is not in line with the planning intention of “AGR” zone; the approval of the application may affect the proposed Agricultural Priority Area in Shek Kong; and the approval conditions of previous applications were not complied with (Appendix V).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary place of recreation, sports or culture with ancillary facilities for a period of three years and associated filling of land at the Site zoned “AGR” (**Plan A-1**). While the applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, according to the applicant, the applied use could make optimal use of the Site for holding recreational, sports or culture activities and serve the residents nearby. Taking into account the above and planning assessments below, there is no objection to the applied use on temporary basis of three years with associated filling of land.
- 11.2 Filling of land in the “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 (CE/MN of DSD) and Director of Environmental Protection have no objection to the application from public drainage and environmental planning 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 applied use is considered not incompatible with the surrounding areas which are predominated by residential structures, active farmland, hobby farm and vacant/unused land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape, Planning

Department (PlanD) considers that the applied use is not incompatible with the surrounding landscape setting and significant impact on the existing landscape resources within the Site is not anticipated and hence, there is no adverse comment on the application from landscape planning perspective.

- 11.4 Other relevant government departments consulted including the Commissioner for Transport (C for T) and Director of Fire Services (D of FS) 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. It is also recommended to advise the applicant to follow the CoP issued by the Environmental Protection Department and other relevant environmental guidelines and legislation to minimise any potential environmental nuisance caused by the applied use on the surrounding areas.
- 11.5 As detailed in paragraph 5, the planning permissions under two previous applications (No. A/YL-SK/244 and 306) for temporary place of recreation, sports or culture (hobby farm) submitted by the same applicant as the current application were revoked in 2021 and 2024 due to non-compliance with time-limited approval conditions related to the submission and implementation of modification work proposal of the existing public footpath and associated street furniture, and the implementation of landscape and drainage proposals respectively. To support the current application, the applicant has submitted FSIs proposal, drainage proposal and run-in/out proposal, which are considered acceptable by D of FS, CE/MN of DSD, and C for T and Chief Highway Engineer/New Territories West, Highways Department respectively. As such, sympathetic consideration may be given to the current application. Should the Committee decide to approve the application, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.6 Given the two approved previous applications for similar use at the Site and five approved similar applications within the same “AGR” zone in the vicinity of the Site, approving the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comments mentioned in paragraph 10, the departmental comments and planning assessments 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 comments mentioned in paragraph 10, 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 three years until 6.6.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the implementation of the accepted 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;

- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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;
- (d) the implementation of the accepted run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 6.3.2026;
- (e) if any of the above planning condition (a), (c) or (d) 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;
- (f) if the above planning condition (b) 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; and
- (g) 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 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 applied 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. There is no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form received on 18.12.2024
Appendix Ia	FI received on 10.4.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Area Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2025**