

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-PN/86**

- Applicant** : Ms. Kong Wai Heung
- Site** : Lot 93 (Part) in D.D. 135, Sheung Pak Nai, Yuen Long, New Territories
- Site Area** : About 8,860m<sup>2</sup>
- Lease** : New Grant Agricultural Lot held under Tai Po New Grant No. 2725
- Plan** : Approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan (OZP) No. S/YL-PN/9
- Zoning** : “Coastal Protection Area” (“CPA”)
- Application** : Renewal of Planning Approval for Temporary Place of Recreation, Sports or Culture (Fishing Ground) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary place of recreation, sports or culture (fishing ground) for a period of three years at the application site (the Site) (**Plan A-1**) zoned “CPA” on the OZP. 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) notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently occupied by the applied use with planning permission under application No. A/YL-PN/67 valid until 29.7.2025 (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Nim Wan Road via a local track with the ingress/egress located at the southeastern boundary (**Plan A-2**). According to the applicant, no change is proposed to the layout and operation of the fishing ground in this renewal application and the existing fish pond will continue to be used as fishing ground. Three private car parking spaces are provided. The operation hours are from 8:00 a.m. to 9:00 p.m. from Mondays to Sundays including public holidays. One to two visitors on weekdays and about five to ten during weekends and public holidays are anticipated. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site was involved in five previous applications for temporary fishing ground approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2009 and 2022 (details at paragraph 6 below). Compared with the last application No. A/YL-PN/67 approved by the Committee on 29.7.2022, the

current application is submitted by the same applicant for the same use at the same site, with the same layout and development parameters.

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

- (a) Application Form with attachments received on 19.5.2025 (Appendix I)
  - (b) Supplementary Information (SI) received on 21.5.2025 (Appendix Ia)
  - (c) Further Information (FI) received on 9.6.2025\* (Appendix Ib)
- \*accepted and exempted from publication requirements*

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. They can be summarised as follows:

The five previously approved applications (No. A/YL-PN/22, 36, 44, 57 and 67) were all submitted by the same applicant and there are no changes in the use and operation details.

## 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 Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending registered mail to Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## 4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

## 5. **Background**

The Site is currently not subject to any planning enforcement action.

## 6. **Previous Applications**

6.1 The Site was involved in five previous applications (No. A/YL-PN/22, 36, 44, 57 and 67) for temporary fishing ground. All the applications were approved by the Committee between 2009 and 2022 mainly on the considerations of not undermining the planning intention of the “CPA” zone; no significant adverse environmental, drainage, landscape and traffic impacts; and there were similar approved applications in the area. Details of these previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.

- 6.2 The last application (No. A/YL-PN/67) was approved with no approval conditions by the Committee for a period of three years in July 2022 and the permission is valid until 29.7.2025.

## **7. Similar Applications**

There are three similar applications (No. A/YL-PN/62, 66 and 70) involving temporary fishing ground use within the same “CPA” zone of the OZP in the past five years. All of them were approved with conditions by the Committee between 2020 and 2023 on similar considerations as stated in paragraph 6.1 above. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from Nim Wan Road via a local track; and
- (b) being used for the applied use with valid planning permission under application No. A/YL-PN/67.

8.2 The surrounding areas are predominated by ponds, unused land and vegetated land, with the coastal area of Deep Bay to the immediate north. Some scattered storage uses are also found in the vicinity.

## **9. Planning Intention**

The planning intention of the “CPA” zone is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential infrastructure project with overriding public interest may be permitted.

## **10. 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 IV and V** respectively.

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

On 27.5.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning approval for temporary place of recreation, sports or culture (fishing ground) for a period of three years at the Site zoned “CPA” on the OZP. While the applied use is not entirely in line with the planning intention of the “CPA” zone, it will retain the existing pond for recreational fishing use. In this regard, the Director of Agriculture, Fisheries and Conservation has no strong view on the application from nature conservation and fisheries points of view. Taking account of the above and the planning assessments below, there is no objection to the applied use on a temporary basis of a further period of three years.
- 12.2 The Site is located in an area predominated by ponds, unused land and vegetated land. The applied use is considered not incompatible with the surrounding environment (**Plan A-2**).
- 12.3 The application is in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-PN/67 in 2022; adverse planning implications arising from the renewal of the planning approval are not envisaged; and the three-year approval period sought is the same as the previous approval and is considered reasonable.
- 12.4 Other relevant government departments consulted including the Chief Town Planner/Urban Design and Landscape of the Planning Department, Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application from landscape, environmental, traffic, drainage and fire safety perspectives respectively.
- 12.5 The Site is the subject of five previous approvals for the same applied use and the Committee has approved three similar applications in the past five years. Approval of the current renewal application is in line with the previous decisions of the Committee.

## **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department has **no objection** to the application.
- 13.2 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, and be renewed **from 30.7.2025 until 29.7.2028**. The recommended advisory clauses are attached at **Appendix V** for Members’ reference.
- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:

the applied use is not in line with the planning intention of the “CPA” zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. There is a general presumption against development in this zone. No strong planning

justification has been provided 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 planning 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 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**

<b>Appendix I</b>	Application Form received on 19.5.2025
<b>Appendix Ia</b>	SI received on 21.5.2025
<b>Appendix Ib</b>	FI received on 9.6.2025
<b>Appendix II</b>	Relevant extracts of Town Planning Board Guidelines for 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use of Development' (TPB PG-No. 34D)
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2025**