

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/706

- Applicant** : Mr. YING Chi Shing represented by Conrad Tang & Associates Limited
- Site** : Lots 1468, 1472, 1474, 1475, 1478, 1479, 1486 and 1599 in D.D. 116 and Adjoining Government Land (GL), Shek Tong Tsuen, Tai Tong, Yuen Long, New Territories
- Site Area** : 3,097 m² (about) (including GL of about 149 m² (about 4.8%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary place of recreation, sports or culture (hobby farm) and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1a**). 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 largely fenced off and paved with deposit of containers and parking of vehicles without planning permission while the remaining part is overgrown with vegetation (**Plans A-2 to A-4c**).
- 1.2 The Site is accessible via a local track leading from Yau Shin Street with an ingress/egress point at the north (**Drawing A-1** and **Plan A-2**). According to the applicant, majority of the Site (i.e. 2,062 m² or 67%) is intended for recreational farming (**Drawing A-2**). A total of 11 structures with a total floor area of not more than 420.3 m² are proposed at the Site for greenhouse, plant nursey, compost area, fungus sheds, education/multi-function room and other ancillary facilities. No public announcement system and any form of audio amplification system would be used at the Site. The application also involves regularisation of filling of land (i.e. about 990 m² or 32% of the Site with a depth of 0.2m with asphalt/concrete) mainly for site formation, erection of structures, vehicle parking and circulation

purposes¹. About 872 m² of land with hard-paving will be replaced with soil suitable for cultivation² (**Drawing A-3**). To mitigate the potential landscape impact, the applicant proposes to preserve all the existing trees at the Site and new fruit trees will be planted (**Drawing A-4**). Plans showing vehicular access, site layout, paving area and tree preservation and landscape proposals submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The major development parameters of the current application are summarised as follows:

Site Area	3,097 m ² (about) (including GL of about 149 m ²)
Total Floor Area (Non-domestic)	420.3 m ² (about)
Extent of Filling of Land	About 990 m ² (i.e. about 32% of the Site) (not more than 0.2m in depth with asphalt/concrete)
No. of Structures (Height)	11 (2.5 m – 6 m, 1 – 2 storeys) - 5 for green house, plant nursey, compost area and fungus sheds (2.8 m – 4.5 m, 1 storey) - 1 for agricultural and education room (6 m, 2 storeys) - 1 for reception and office (3 m, 1 storey) - 2 for associated storage (3 m, 1 storey) - 2 for toilets (2.5 m, 1 storey)
No. of Parking Spaces	3 for private cars (5m x 2.5m each)
No. of Loading/Unloading Space (L/UL)	1 for light goods vehicles (7m x 3.5m)
Operation Hours	10:00 a.m. to 5:00 p.m. daily including Sundays and public holidays

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

- (a) Application Form with attachments received on 24.3.2025 (**Appendix I**)
- (b) Further Information (FI) received on 30.6.2025 (**Appendix Ia**)
[accepted and exempted from publication and recounting requirements]

¹ According to the aerial photos (**Plan A-3b**), a local track running through the Site is observed since 2004. 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 Board under section 16 of the Town Planning Ordinance.

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.

- 1.5 On 23.5.2025, 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 with attachments and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) the demand for local recreational organic/hobby farming has been growing and the proposed use would meet the demand for such activities and promote sustainable organic farming in Hong Kong;
- (b) the proposal is also in line with the government policy on agriculture by encouraging members of the public to participate in agriculture and greening;
- (c) about 67% of the Site (i.e. 2,062 m²) is for farming purpose. The proposal is temporary in nature and would not jeopardise the long-term planning intention of the “AGR” zone;
- (d) the proposed use is generally not incompatible with the surrounding uses;
- (e) the application only involves regularisation of filling of land which is necessary for parking spaces and facilitating drainage works; and
- (f) no significant traffic, environmental, drainage and landscape impact to the surrounding areas is anticipated.

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. For GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

4. Background

The Site is subject to planning enforcement actions against unauthorized developments (UDs) involving storage use (including deposit of containers) and use for place for parking of vehicles (No. E/YL-TT/741) and filling of land (No. E/YL-TT/740 and 742) (**Plan A-2**). For enforcement case No. E/YL-TT/741, Enforcement Notice (EN) was issued on 10.12.2024 requiring discontinuation of the UD by 10.3.2025. The latest site inspection conducted in June 2025 revealed that the UD still continued upon expiry of the EN. Prosecution action against non-compliance of EN is being considered. For enforcement cases No. E/YL-TT/740 and 742, Reinstatement Notices (RNs) were issued on 30.12.2024 requiring the notice recipients to remove the leftover, debris and fill materials on the land and to grass the land by 30.3.2025. Some of the notice recipients sought to review the decision of the Planning Authority on 28.1.2025. The RN review is being handled by the 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.

5. Previous Application

Part of the Site was involved in a previous application (No. A/DPA/YL-TT/40) covering a larger area for residential development which was rejected by the Committee in 1994. Considerations of this rejected application are not relevant to the current application which involves a different use. Details of the previous application is summarised at **Appendix II** and the location is shown on **Plan A-1b**.

6. Similar Application

A similar application (No. A/YL-TT/553) for proposed temporary place of recreation, sports or culture (hobby farm) with ancillary facilities and filling of land within the subject "AGR" zone was approved with conditions by the Committee for a period of five years in 2022 mainly on considerations that the proposal was generally not in conflict with the planning intention of the "AGR" zone; not incompatible with the surrounding areas; and the concerns of relevant government departments could be addressed by implementation of approval conditions. Details of the similar application are summarised in **Appendix II** and the location of the site is shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) largely fenced off and paved with deposit of containers and parking of vehicles without planning permission while the remaining part is overgrown with vegetation; and
- (b) accessible via a local track leading from Yau Shin Street.

7.2 The surrounding areas are rural character in nature comprising mainly farmland, pigsty, a monastery covered by a valid planning permission (No. A/YL-TT/579) and residential dwellings intermixed with parking of vehicles, open storage/storage yards and vacant/unused land.

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, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities in the subject "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 are provided in **Appendices III and IV** respectively.

9.2 The following government department has adverse comments on the application:

Land Administration

9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) his office has reservation on the planning application since there is/are unauthorized structure(s) and/or uses on Lots 1474 in D.D. 116 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (b) if the planning application is approved, the lot owner(s)/applicant shall apply to LandsD for a Short Term Waiver (STW) and a Short Term Tenancy (STT) to permit the structure(s) erected within the private lots and the occupation of GL. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that the application(s) will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate by LandsD. Besides, given that the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and
- (c) his detailed advisory comments are at **Appendix IV**.

10. Public Comments Received During the Statutory Publication Period

On 1.4.2025, the application was published for public inspection. During the statutory public inspection period, six public comments were received (**Appendix V**). Five individuals object to the application mainly on the grounds that (i) the Site is vegetated which helps mitigate global warming and is unsuitable for land filling; (ii) there is only a single-lane road near the Site which could not accommodate heavy traffic; and (iii) the application is for disguising parking and brownfield uses at the Site, while Kadoorie Farm & Botanic Garden Corporation expresses concern whether the proposal is in line with the policy intention as part of the Site falls within the Agricultural Priority Area.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) and associated filling of land for a period of three years 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, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. According to the applicant, majority of the Site (about 2,062m² or 67% of the Site) is used for recreational farming which 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. In view of the above and taking into account the planning assessments below, there is no objection to the application on a temporary basis for a period of three years.

- 11.2 The Site is situated in an area of rural character in nature comprising mainly farmland, pigsty, a monastery covered by a valid planning permission (No. A/YL-TT/579) and residential dwellings intermixed with parking of vehicles, open storage/storage yards and vacant/unused land (**Plan A-2**). The proposed use is considered not incompatible with the surrounding areas. To mitigate the potential landscape impact, the applicant has submitted a tree preservation and landscape proposal which would preserve four existing trees within the Site and propose the planting of new fruit trees (**Drawing A-4**). In this regard, the Chief Town Planner/Urban Design & Landscape of Planning Department has no adverse comment on the application from landscape point of view.
- 11.3 The application also involves regularisation of filling of land for part of the Site (i.e. 990 m²) with asphalt/concrete of a depth of not more than 0.2m for site formation, erection of structures, vehicle parking and circulation purposes. Filling of land within “AGR” zone requires planning permission as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of 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.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services have no objection to/no adverse comment on the application from traffic and fire safety aspects respectively. 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 and the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the potential environmental nuisances on the surrounding areas. Regarding DLO/YL, LandsD’s concern on the unauthorized structure(s) and/or uses at the Site, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee approve the application.
- 11.5 The Committee has approved a similar application within the subject “AGR” zone in the past five years. Approval of the current application is in line with the Committee’s previous decision.
- 11.6 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 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 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 three years until 15.8.2028. 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 or of the Town Planning Board by 15.2.2026;
- (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 15.5.2026;
- (c) in relation to (b) above, the implemented drainage facilities at the Site 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 15.2.2026;
- (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 15.5.2026;
- (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 application site, including the removal of fill materials and hard paving, and grassing of the application site to 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 "Agriculture" 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. No strong planning justifications have 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. Attachments

Appendix I	Application Form with attachment received on 24.3.2025
Appendix Ia	FI received on 30.6.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Site Paving Plan
Drawing A-4	Tree Preservation and Landscape Proposal
Plan A-1a	Location Plan with Similar Application
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
AUGUST 2025**