

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/423

<u>Applicant</u>	: Senior Buddy Charity Farm Limited represented by R-riches Property Consultants Limited
<u>Site</u>	: Lots 1626 RP (Part), 1627 RP (Part), 1628 S.A ss.1 (Part), 1628 S.B RP (Part), 1628 S.C ss.1 (Part), 1628 S.D, 1644 S.B (Part), 1644 RP (Part), 1645 RP (Part) and 1646 RP (Part) in D.D. 112 and Adjoining Government Land (GL), Shek Kong, Yuen Long, New Territories
<u>Site Area</u>	: About 4,474m ² (including GL of about 90m ² (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 (Hobby Farm) with Ancillary Facilities and Associated Filling of Land for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary place of recreation, sports or culture (hobby farm) with ancillary facilities and associated filling of land for a period of five years 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 the “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 occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Kam Sheung Road via a local track (**Plans A-1 to A-3**). According to the applicant, the applied use involves three single-storey structures (not more than 3.5m in height) with a total floor area of about 273m² for rain shelters, reception, washroom, water tank, storage of farm tools and greenhouses and a farming area of about 3,557m² (about 79.5% of the Site) (**Drawing A-1**). No parking and loading/unloading space will be provided within the Site, and visitors and staff members are required to access the Site by means of public transport and/or walking. The operation hours will be between

9:00 a.m. and 7:00 p.m. daily, including public holidays. A maximum of 20 visitors and five staff members per day will be accommodated at the Site. Prior booking is required for visiting the Site. No public announcement system, whistle blowing, portable loud speaker, or any form of audio amplification system will be used within the Site at any time. On-site septic tank and soakaway system is proposed as there is no existing public sewer in the vicinity of the Site. The applicant also applies for regularisation of filling of land (about 228m² or 5% of the Site) with concrete of not more than 0.2m in depth for site formation to meet operational needs (**Drawing A-2**) and no additional land filling will be carried out under this application. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

- 1.3 The Site, in part or in whole, is the subject of two previous applications for temporary hobby farm (**Plan A-1**) (details at paragraph 5 below). The last application No. A/YL-SK/261, submitted by the same applicant for the same temporary use at the same site with the same layout and development parameters, was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 4.10.2019. All time-limited approval conditions have been complied with and the planning permission lapsed on 4.10.2024.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with Supplementary Information (**Appendix I**) received on 15.7.2025 and 17.7.2025 respectively
 - (b) Further Information (FI) received on 26.8.2025* (**Appendix Ia**)
- * 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 and FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) The Site is the subject of two previous applications for the same use submitted by the same applicant. All approval conditions for the last planning approval have been complied with.
- (b) The applicant intends to continue using the Site for the same use to promote sustainable and organic farming in the Shek Kong area. The Site also serves as an eco-education farm to enhance public awareness on the importance of agricultural development in Hong Kong.
- (c) A significant portion of the Site will be reserved for farming area (about 79.5%), and the farming practice is akin to the permitted agricultural use. The applied use is not incompatible with the surrounding areas and there are similar applications approved in the vicinity of the Site. The temporary nature of the application would not frustrate the long-term planning intention of the “AGR” zone and would better utilise fallow agricultural land in New Territories.

- (d) The applied use will not result in adverse environmental impact on the surrounding areas. The applicant will comply with all environmental protection/pollution control ordinances and strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (CoP) issued by the Environmental Protection Department to minimise any adverse potential environmental impact and nuisance to the nearby environment. The applicant will also follow the Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs) No. PN 1/23 when designing the on-site sewage system and licence collectors will be employed to collect and dispose sewage regularly to ensure no overflowing of sewage.
- (e) The filling of land is necessary for site formation to meet operational needs. The Site will be reinstated to an amenity area upon expiry of the planning approval period.
- (f) The applicant has applied to Lands Department (LandsD) for Short Term Waiver (STW) and Short Term Tenancy (STT). Upon approval of the planning application, the applicant will submit modifications of STW and STT conditions.
- (g) In support of the application, the applicant has submitted the accepted fire service installations proposal under the previous application No. A/YL-SK/261 and record of existing drainage facilities at the Site.

3. Compliance with the 'Owner's Consent/Notification' Requirements

The applicant is not a 'current land owner' but has complied with the requirement 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 notices and sending notice to the Pat Heung Rural Committee. 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 Applications

- 5.1 The Site, in whole or in part, is involved in two previous applications (No. A/YL-SK/229 and 261) for temporary hobby farm use for a period of three or five years with or without filling of land submitted by the same applicant as the current application. Both applications were approved with conditions by the Committee in 2017 and 2019 respectively mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the concerned "AGR" zone; the proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comment or their concerns could be addressed by approval conditions. The planning permission for application No. A/YL-SK/229 was subsequently revoked in 2019 due to non-compliance with the approval conditions.

- 5.2 The last application No. A/YL-SK/261 for the same use at the same site with the same layout and development parameters as the current application, was approved with conditions by the Committee on 4.10.2019. All time-limited approval conditions have been complied with and the planning permission lapsed on 4.10.2024.
- 5.3 Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Application

There is one similar application involving temporary hobby farm use within the same “AGR” zone in the past five years, which was approved with conditions by the Committee in 2021 on similar considerations as mentioned in paragraph 5.1 above. Details of the similar application are summarised at **Appendix II** and the location is shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) accessible from Kam Sheung Road via a local track of about 600m; and
 - (b) occupied by the applied use without valid planning permission.
- 7.2 The surrounding areas are predominated by active/fallow agricultural land, plant nursery and clusters of residential dwellings. The Dongjiang Water Main and its water works reserve run across the eastern fringe of the Site.

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 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.

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 has adverse comment on the application:

Land Administration

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

- (a) has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lots No. 1626 RP, 1627 RP, 1628 S.A ss.1, 1628 S.B RP, 1628 S.C ss.1, 1628 S.D, 1644 S.B, 1644 RP, 1645 RP and 1646 RP all in D.D. 112 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) LandsD has reservation on the application since there is/are unauthorised structure(s) and uses on Lot No. 1645 RP in D.D. 112 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; and
- (d) if the application is approved, the lot owner(s) shall apply to his office for a STW and/or STT to permit the structure(s) erected within the said private lot(s) and the occupation of the GL. The application(s) for STW and/or STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and/or 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 the applied use is temporary in nature, only erection of temporary structure(s) will be considered.

10. Public Comment Received During Statutory Publication Period

On 22.7.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

11.1 The application is for temporary place of recreation, sports or culture (hobby farm) with ancillary facilities and associated filling of land for a period of five years at the Site zoned “AGR” (**Plan A-1**). Whilst the applied use is not entirely in line with the planning intention of the “AGR” zone, according to the applicant, about 3,557m² (79.5%) of the Site will be used for farming purpose 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 applied use and has no comment from nature conservation perspective. Taking into account the above and the planning assessments below,

there is no objection to the applied use with associated filling of land on a temporary basis of five years.

- 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 of Drainage Services Department, who also considers the submitted record of existing drainage facilities acceptable, and Director of Environmental Protection have no objection to the application from 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 in paragraph 12.2 below should the Committee decide to approve the application.
- 11.3 The applied use is considered not incompatible with the surrounding areas which are occupied mainly by active/fallow agricultural land, plant nursery and clusters of residential dwellings (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective considering that significant adverse impact on existing landscape resources is not anticipated. Regarding the Dongjiang Water Main and its water works reserve at the eastern fringe of the Site, the Chief Engineer/Construction, Water Supplies Department has no objection to the application.
- 11.4 Regarding DLO/YL, LandsD’s concerns on the unauthorised structures and/or uses within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. 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, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the CoP and other relevant environmental guidelines and legislation in order to minimise any potential environmental nuisance caused by the applied use.
- 11.5 There are two approved previous applications for the same use at the Site and one approved similar application within the same “AGR” zone in the past five years as mentioned in paragraphs 5 and 6 above respectively. Approving the current application is in line with the Committee’s previous decisions.

12. Planning Department’s View

- 12.1 Based on the assessments made in paragraph 11 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 5.9.2030. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised 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 5.3.2026;
- (b) in relation to (a) above, the implementation of the revised 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 5.6.2026;
- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) if the above planning condition (a) or (b) 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;
- (e) 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; and
- (f) 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 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, 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 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 attachments and Supplementary Information received on 15.7.2025 and 17.7.2025 respectively
Appendix Ia	FI received on 26.8.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**