

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/481

Applicant : Mr. CHU Wai Yin represented by Ms. TSE Ling Man

Site : Lot 260 (Part) in D.D. 104, Ngau Tam Mei, Yuen Long

Site Area : About 1,748m²

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/14

Zoning : “Green Belt” (“GB”)

Application : Filling of Land for Permitted Agricultural Use with Ancillary Facilities

1. The Proposal

- 1.1 The applicant seeks planning permission to regularise the filling of land for permitted agricultural use with ancillary facilities at the application site (the Site), which falls within an area zoned “GB” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “GB” zone, ‘Agricultural Use’ is a Column 1 use which is always permitted while filling of land requires planning permission from the Town Planning Board (the Board). The Site is currently fenced-off and occupied by some temporary structures for a fish farm, which is regarded as ‘Agricultural Use’ always permitted at the Site zoned “GB”, and filling of land thereat is already in place without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from a local access leading to Ngau Tam Mei Road (**Plan A-2**), with an ingress/egress at the south-eastern part of the Site. According to the applicant, the applied filling of land covering the entire Site with concrete with a depth of about 0.15m is to provide a solid foundation for erection of temporary aquaculture structures and ancillary facilities (including two sheds for storing large aquaculture tanks, five ancillary structures covered by a heat-insulating plate, and two sun-shade sheds) for the existing fish farm. No further filling of land will be carried out at the Site. The layout and land filling plan submitted by the applicant is at **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 7.7.2025 and (**Appendix I**)
Supplementary Information (SI) received on 11.7.2025
 - (b) Further Information (FI) received on 3.10.2025* (**Appendix Ia**)
- * accepted and exempted from publication and recounting requirements*

- 1.4 On 5.9.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for a period of 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, SI and FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) The Site has been paved with concrete since 2015 and the applicant applies for regularisation of filling of land at the Site to facilitate permitted agricultural use with ancillary facilities, i.e. the existing fish farm at the Site. No further land filling will be carried out at the Site.
- (b) The filling of land with concrete is to support the erection of temporary modernized aquaculture structures, ranging from large tanks with circulation systems to sheds, to enhance the quality and yield of fish. The permitted aquaculture use at the Site is registered under the 'Voluntary Registration Scheme (VRS) for Local Pond Fish Farms', and the applicant is also applying for the 'Accredited Fish Farm Scheme' promulgated by the Agriculture, Fisheries and Conservation Department.
- (c) The applicant will submit Short Term Waiver (STW) application to the Lands Department (LandsD) for the applied use upon approval of the application to regularise the unauthorised structures on the Site.

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

The applicant is one of the "current land owners" and 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 obtaining consents from the other "current land owners". Detailed information would be deposited at the meeting for Members' inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for 'Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance' (TPB PG-No. 10) is relevant to the application. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. Background

- 5.1 The Government is conducting a planning study on the Ngau Tam Mei (NTM) area (i.e. the Land Use Review Study for the NTM Area) (the NTM Review Study), which covers the Site. According to the Broad Land Use Concept Plan, the Site falls within an area recommended for the development of the University Town.
- 5.2 The Site is not subject to any active planning enforcement action.

6. Previous Application

There is no previous application covering the Site.

7. Similar Application

There is no similar application within the same “GB” zone on the OZP in the past five years.

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

8.1 The Site is:

- (a) currently fenced-off and occupied by some temporary structures for the permitted agricultural use as a fish farm, while land filling works had been undertaken without valid planning permission; and
- (b) accessible from the south-east from a local access leading to Ngau Tam Mei Road.

8.2 The surrounding areas are rural in character and predominated by residential structures, warehouses, open storage/storage yards, plant nursery, vacant land and structures, and hillside woodland.

9. Planning Intention

9.1 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

9.2 According to the Explanatory Statement (ES) of the OZP for the “GB” 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 “GB” zone.

10. Comments from Relevant Government Departments

10.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

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

- (a) there is adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lot No. 260 in D.D. 104 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) there is reservation on the application since there is/are unauthorized structure(s) or uses on the Lot 260 in D.D. 104 which is 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) advisory comments are detailed at **Appendix III.**

Project Interface

10.1.2 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W) of CEDD):

the Site falls within the boundary of Potential Development Area (PDA) being examined under the NTM Review Study and the implementation programme of NTM PDA is being studied. As the land resumption and clearance programme shall follow the implementation programme, the applicant should be reminded that the Site may be resumed at any time for the PDA development.

Agriculture, Fisheries and Nature Conservation

10.1.3 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) no comment on the application from nature conservation, fisheries and agricultural perspectives;
- (b) the cultivation tanks at the Site are registered under 'VRS for Local Pond Fish Farms' and applying for the 'Accredited Fish Farm Scheme'; and
- (c) advisory comments are detailed in **Appendix III.**

Environment

10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application from environmental planning perspective;
- (b) no environmental complaints relating to the Site were recorded in the past three years; and
- (c) advisory comments are detailed in **Appendix III.**

Landscape

10.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L of PlanD):

- (a) no adverse comment on the application from landscape planning perspective;
- (b) based on aerial photo of November 2024, the Site is located in an area between hillsides landscape character and settled valleys landscape character comprising densely vegetated hillsides to the north and village houses, temporary structures, farmlands, fishponds and scattered tree groups to the south. The filling of land for permitted use is not incompatible with the surrounding landscape character; and
- (c) adverse landscape impact within the Site arising from the applied use is not anticipated.

Drainage

10.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD):

- (a) no in-principle objection to the application from drainage point of view;
- (b) should the application be approved, approval conditions requiring the submission of a drainage proposal and the implementation and maintenance of the proposed drainage facilities should be incorporated; and
- (c) advisory comments are detailed in **Appendix III**.

Local Consultation

10.1.7 Comments of the District Officer (Yuen Long), Home Affairs Department:

local consultations were conducted by his office and no comments were received upon close of consultation.

10.2 The following government departments have no objection to or no adverse comment on the application and their advisory comments, if any, are provided in **Appendix III**:

- (a) Commissioner for Transport (C for T);
- (b) Chief Highway Engineer/New Territories West, Highways Department (HyD);
- (c) Chief Engineer/Railway Development 1-1, Railway Development Office, HyD;
- (d) Director of Fire Services (D of FS);
- (e) Head of Geotechnical Engineering Office, CEDD;
- (f) Chief Engineer/Construction, Water Supplies Department;
- (g) Chief Building Surveyor/New Territories West, Buildings Department;
- (h) Commissioner of Police; and

- (i) Director of Electrical and Mechanical Services.

11. Public Comments Received During Statutory Publication Period

On 15.7.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received from an individual and Kadoorie Farm and Botanic Garden raising concerns on the applied works and possible unauthorised activities at the Site respectively (**Appendix IV**).

12. Planning Considerations and Assessments

- 12.1 The application is to regularise the filling of land for the entire Site for the permitted agricultural use with ancillary facilities at the Site zoned “GB” (**Plan A-1**). Whilst ‘Agriculture Use’ is always permitted within the “GB” zone, filling of land requires planning permission from the Board. The Site is currently a fish farm in operation where filling of land with concrete in a depth of about 0.15m is already in place at the entire Site without valid planning permission. According to the applicant, the applied filling of land is for erection of temporary modernized aquaculture structures and ancillary facilities, such as large tanks with circulation systems and sheds, to enhance the quality and yield of fish. No further filling of land will be carried out at the Site. DAFC confirms that the existing fish farm at the Site is registered under the ‘VRS for Local Pond Fish Farms’ and the applicant is applying for the ‘Accredited Fish Farm Scheme’, and has no comment on the application from agricultural and fisheries perspectives. While the filling of land at the Site is already in place without planning permission, taking into account the above and the planning assessments below, sympathetic consideration could be given to the application, and hence, there is no objection to the applied filling of land works for the permitted agricultural use at the Site.
- 12.2 Filling of land in the “GB” zone may cause adverse drainage and environmental impacts to the adjacent areas and requires planning permission from the Board. In this regard, CE/MN of DSD, DEP and DAFC have no objection to the application from drainage, environmental planning and nature conservation aspects respectively. To address the technical requirements of CE/MN of DSD, relevant approval condition is recommended in paragraph 13.2 below.
- 12.3 On long-term development perspective, PM(W) of CEDD advises that the Site falls within the NTM PDA being examined under the NTM Review Study, and land resumption and clearance programme shall follow the implementation programme of NTM PDA, which is still being studied. Notwithstanding this, the consideration of the current Section 16 application shall be based on the provisions under the extant OZP. Should the application be approved by the Committee, to address PM(W) of CEDD’s concerns on the potential interface issue, an advisory clause is recommended to remind the applicant that the Site may be resumed by the Government and the applied filling of land and the existing fish farm at the Site may be terminated at any time for implementation of NTM PDA.
- 12.4 According to the TPB PG-No. 10, any proposed development should be compatible with the surrounding areas; should not involve extensive clearance of existing natural vegetation or affect existing natural landscape; and should not be the source of pollution itself. The applied filling of land for the permitted fish farm with temporary structures

and ancillary facilities at the Site is considered not incompatible with the surrounding areas, which are rural in character and predominated by residential structures, warehouses, open storage/storage yards, plant nursery, vacant land and structures as well as hillside woodland (**Plan A-2**). CTP/UD&L of PlanD has no adverse comment on the application from landscape planning perspective as the filling of land for permitted use is not incompatible with the surrounding landscape character and adverse landscape impact within the Site arising from the filling of land for permitted use is not anticipated. Other relevant government departments consulted including C for T and D of FS have no objection to or no adverse comment on the application. Taking into account the planning assessments above, the application can be considered generally in line with TPB PG-No. 10.

- 12.5 Regarding DLO/YL of LandsD's concern on the unauthorised structure(s) and uses on the concerned lot, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee approve the application. The applicant also commits to submit STW application to LandsD for the applied use to regularise the unauthorised structures on the Site.
- 12.6 Regarding the public comments as stated in paragraph 11 above, the planning considerations and departmental comments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, PlanD has no objection to the application.
- 13.2 Should the Committee decide to approve the application, no time clause on commencement is proposed as the 'filling of land' operation under the application has already been completed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the submission and implementation of a fire service installations proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Appendix III**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied filling of land for permitted agricultural use with ancillary facilities is not in line with the planning intention of the "Green Belt" zone, which is to define the limits of urban and sub-urban development areas by natural features, contain urban sprawl as well as to provide passive recreational outlets and against development within the zone. There is no strong planning justification for a departure from the planning intention.

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.
- 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 7.7.2025 and SI received on 11.7.2025
Appendix Ia	FI received on 3.10.2025
Appendix II	Relevant Extract of TPB PG-No. 10
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments
Drawing A-1	Layout and Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2025**