

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/597

- Applicant** : Mr. Mok Tim Loi
- Site** : Lot 1905 in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,020m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11
- Zoning** : “Coastal Protection Area” (“CPA”)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture 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 for a period of three years (**Plan A-1**) at the application site (the Site) 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). The Site is currently hard-paved¹, mostly vacant and partly occupied with converted containers used for storage purpose in the northern portion (**Plans A-2 and A-4a and A-4b**).
- 1.2 The Site is accessible from Deep Bay Road via a local track (**Drawing A-2 and Plan A-2**). As shown on the layout plan at **Drawing A-1**, the proposal comprises one single-storey structure (about 2.5m in height) with a floor area of about 127m² for place of recreation, sports or culture use (mainly for sports, recreation and festival celebration activities). An open-air area of about 30m² would be used for open storage of activity-related items including tables, chairs and cleaning tools, etc. The remaining area is proposed as lawn area for outdoor activities. According to the applicant, no filling of land will be undertaken at the Site.
- 1.3 According to the applicant, the operation hours would be between 10 a.m. and 8 p.m daily, including Sundays and public holidays. Advanced booking / registration is required for visitors. A maximum of 350 visitors could be accommodated at the Site

¹ The Site has been paved without planning permission. The applicant has not applied for planning permission for land filling in the current application.

at any one time. No parking spaces would be provided and visitors may access the Site by minibus or taxi. Alternatively, visitors may park their cars at carparks² nearby. During festival events, coach bus will be arranged for the proposed use, which will leave the Site immediately after picking up/dropping off the visitors.

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

- (a) Application Form received on 19.1.2026 (Appendix I)
- (b) Supplementary Information (SI) received on 21.1.2026 (Appendix Ia)

2. **Justifications from the Applicant**

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

- (a) the proposed use would be operated by the manager of Mok Ka Sing Tso Tong (莫加升祖堂) on a non-profit making basis;
- (b) the proposed use serves to provide a place for leisure/recreation and festival celebration activities (e.g. Chinese New Year, National Day, Mid-Autumn Festival, Tin Hau Festival, Kwun Yum Festival) including lion dance and traditional Chinese music performance for local residents, the elderly, teenagers, villagers of Sha Kong Wai and descendants of Mok Ka Sing Tso Tong. During ordinary days, the Site would be used as a meeting place for locals to organise activities; and
- (c) the mangroves along the coast will be preserved.

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

The applicant is the one of the “current land owners”. In respect of the other “current land owner(s), the applicant 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 their consent. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

Part of the Site is currently subject to active planning enforcement action (Case No. E/YL-LFS/668) against unauthorized development (UD) involving storage use (**Plan A-2**). Enforcement Notice (EN) was issued to the concerned parties on 30.6.2025 requiring the discontinuance of the UD by 30.9.2025. Recent site inspection revealed that the Site was generally vacant. The case is currently under monitoring.

5. **Previous Application**

The Site is not involved in any previous planning application.

² There are no public vehicle parks within the vicinity of the Site.

6. **Similar Application**

There is another application (No. A/YL-LFS/598) for the same use within the same “CPA” zone, which will be considered by the Committee at the same meeting (**Plan A-1**). There is no other similar application within “CPA” zone of the OZP.

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

7.1 The Site is:

- (a) paved, mostly vacant and partly occupied with converted containers used for storage purpose in the northern portion; and
- (b) accessible from Deep Bay Road to its southeast via a local track.

7.2 The surrounding areas in the “CPA” zone are predominated by mangroves along the coastline, grassland, vacant/unused land, aquaculture and pigsty farm. Other uses such as open storage yards, warehouse, cultivated farmland, residential dwellings, carpark, refuse collection point and toilet are also found in the vicinity of the Site. Some of these uses are suspected UDs subject to planning enforcement action.

8. **Planning Intention**

The “CPA” zone is intended 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 are essential infrastructure projects with overriding public interest may be permitted.

9. **Comments from Relevant Government Departments**

9.1 Apart from the government departments 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 are provided in **Appendices II and III** respectively.

9.2 The following government departments have adverse comments or reservation on the application:

Nature Conservation

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

The Site falls within “CPA” zone. Although the Site is currently paved according to aerial photos and his recent site inspection, they are adjacent

to a semi-natural watercourse and seasonally wet grassland to the south and mangrove to the north (**Plan A-2**). The proposed use may cause disturbances to these wetland habitats in terms of human activities, noise and light. However, no ecological impact assessment has been submitted to demonstrate that the proposed use would not cause adverse ecological impact to the surrounding environment. As such, he has reservation on the application from nature conservation perspective.

Landscaping

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

- (a) She has reservation on the application from landscape planning perspective.
- (b) The Site is zoned “CPA”, which is a distinctive landscape resource. As observed in the aerial photos taken in 2019 and 2023, the Site is covered with trees and vegetation (**Plan A-3c and A-3d**). However, as observed from the aerial photo taken in 2025 and the site photos taken in 2026, tree and vegetation have been removed (**Plans A-3a, A-4a and A-4b**).
- (c) In view of the above, the landscape character of the Site in the “CPA” zone would be altered by the proposed use.

Drainage

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

He has reservation on the application from drainage point of view. The Site is located adjacent to an existing streamcourse. The applicant shall be required to place all the proposed works 3m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the streamcourse should not create any adverse drainage impacts, both during and after construction. Proposed flooding mitigation measures, if necessary, shall be provided at the resources of the applicant to his satisfaction.

10. Public Comments Received During Statutory Publication Period

On 27.1.2026, the application was published for public inspection. During the statutory public inspection period, two public comments from Kadoorie Farm & Botanic Garden Corporation and an individual (**Appendix IV**) were received objecting to/raising concerns on the application mainly on the grounds that the proposed use is not in line with the planning intention of the “CPA” zone and it would cause adverse environmental and ecological impacts to the surrounding ecologically sensitive areas given the maximum capacity of 350 visitors.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary place of recreation, sports or culture for a period of three years at the Site within the “CPA” zone (**Plan A-1**), which is intended 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. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted. In this regard, there is insufficient information given in the submission to justify that the proposed place of recreation, sports or culture is needed to support the conservation of the existing natural landscape or scenic quality of the area, or is an essential infrastructure project with overriding public interest. Hence, the proposed use is considered not in line with the planning intention of the “CPA” zone. There is no strong planning justification given in the submission to warrant a departure from the planning intention, even on a temporary basis.
- 11.2 The Site is located near the coast of Deep Bay and its surrounding areas are predominated by mangroves along the coastline, grassland, vacant/unused land, aquaculture and pigsty farm. Although there are open storage and warehouse uses in the vicinity, some of them are suspected UDs subject to planning enforcement action. As advised by DAFC, the Site is located adjacent to a semi-natural watercourse and seasonally wet grassland to the south and mangrove to the north. The proposed use may cause disturbance to these wetland habitats in terms of human activities, noise and light. However, no ecological impact assessment has been submitted to demonstrate that the proposed use would not cause adverse ecological impact to the surrounding environment. In this regard, DAFC has reservation on the application from nature conservation perspective. The proposed use is considered not compatible with the surrounding areas.
- 11.3 The whole site is hard-paved without planning permission but no application is made to regularise such land filling works that had already been carried out. By comparing the aerial photos/site photos taken between 2019 and 2026 (**Plans A-3a to A-3d, A-4a and A-4b**), it is noted that tree felling, vegetation clearance and land filling had been undertaken at the Site. The Site was gradually transformed from mainly a shrubland to paved land. In this regard, CTP/UD&L of PlanD considers that the proposed use would alter landscape character of the Site in the “CPA” zone, and has reservation on the application from landscape planning perspective.
- 11.4 CE/MN, DSD has reservation on the application from drainage point of view as the Site is located adjacent to an existing streamcourse and the applicant has not provided sufficient information to demonstrate that the proposed use will not cause adverse drainage impact on the surrounding areas. Other concerned departments consulted, including Commissioner for Transport, Director of Environmental Protection and Director of Fire Services, have no objection to or no adverse comment on the application from traffic, environmental and fire safety perspectives respectively.
- 11.5 There is no previous application covering the Site nor similar application within the subject “CPA” zone. Approval of the application would set an undesirable precedent

and encourage proliferation of similar use within the same “CPA” zone. The cumulative effect of approving such similar applications would result in a general degradation of the natural coastline and ecological value of the area, thereby frustrating the planning intention of the “CPA” zone.

- 11.6 Regarding the public comments received objecting to the application 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 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department does not support the application for the following reasons:

- (a) the proposed use is not in line with the planning intention of the “CPA” zone, which is intended 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. There is no strong planning justification in the submission for a departure from such planning intention; and
- (b) the applicant fails to demonstrate that the proposed use would not have adverse ecological, landscape and drainage impacts on the surrounding areas.

- 12.2 Alternatively, 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 **13.3.2029**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission of an ecological impact assessment for the proposed use within **6 months** from the date of planning approval to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board by **13.9.2026**;
- (b) in relation to (a) above, the implementation of the ecological mitigation measures identified therein within **9 months** from the date of planning approval to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board by **13.12.2026**;
- (c) the submission of a drainage proposal including flood mitigation measures 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 **13.9.2026**;
- (d) in relation to (c) 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 **13.12.2026**;

- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) 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 **13.9.2026**;
- (g) in relation to (f) 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 **13.12.2026**;
- (h) if the above planning condition (e) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (a), (b), (c), (d), (f) or (g) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the Site, including the removal of 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 III**.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant planning permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments

Appendix I	Application Form received on 19.1.2026
Appendix Ia	SI received on 21.1.2026
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments Received During Statutory Publication Period

Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a to A-3d	Aerial Photos taken between 2019 and 2025
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2026**