

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/457

- Applicant** : Sky City Resources Limited represented by Allgain Land Planning Limited
- Site** : Lot 439 RP (Part) in D.D. 112, Shek Kong, Yuen Long
- Site Area** : About 260m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/11
(currently in force)
- Draft Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/10
(at the time of submission)
- Zoning** : “Agriculture” (“AGR”)
(no change on the current OZP)
- Application** : Proposed Temporary Shop and Services and Associated Filling of Land for a
Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services and associated filling of land for a period of three years at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is currently hard-paved, fenced-off, and largely occupied by a temporary structure for storage of miscellaneous items without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Nam Hing West Road via local track (**Plans A-1 to A-3**). According to the applicant, the proposed use involves one single-storey structure with a height of not more than 5m and a total floor area of about 180m² for real estate agency (**Drawing A-1**). No parking space or loading/unloading space will be provided within the Site. No open storage, car beauty, washing, repairing, dismantling or other workshop activities will be carried out and no loud speakers and no neon light signboards will be used

at the Site at all times. The applicant also applies for regularisation of filling of land for the entire Site with concrete of not more than 0.2m in depth raising the site level to about +23.9mPD for site formation of structures. The operation hours will be 9:00 a.m. to 7:00 p.m. daily, including Sundays and public holidays. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

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

- (a) Application Form with attachments received on 28.5.2026 (**Appendix I**)
- (b) Further Information (FI) received on 29.6.2026* (**Appendix Ia**)
- (c) FI received on 14.7.2026* (**Appendix Ib**)

**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 to Ia**. They can be summarised as follows:

- (a) The proposed use is temporary in nature and will not frustrate the long-term planning intention of the “AGR” zone. It is not incompatible with the surroundings which are mainly temporary structures and squatters. Besides, no active agricultural activities have been observed within the Site for many years.
- (b) The proposed use at the Site would provide property leasing and sales services for nearby residents and villagers and could make optimal use of land resources.
- (c) There are similar approved applications for proposed temporary shop and services within the same “AGR” zone in the vicinity of the Site.
- (d) The proposed use will not result in adverse traffic, environmental and drainage impacts or fire safety concerns 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’). The applicant has also committed to submitting and implementing drainage proposal and fire service installations (FSIs) proposal to the satisfaction of relevant government departments upon obtaining planning approval.
- (e) Upon approval of the application, the applicant will apply for Short Term Waiver (STW) from the Lands Department (LandsD) for implementing the proposed use at the Site.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Member’s inspection.

4. **Background**

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

5. **Previous Application**

The Site is not the subject of any previous application.

6. **Similar Applications**

There are five similar applications (No. A/YL-SK/318, 348, 392, 404 and 416) covering three sites for temporary shop and services with associated filling of land within the same “AGR” zone in the vicinity of the Site in the past five years. All applications were approved with conditions by the Committee between 2021 and 2025, each for a period of three years, mainly on the considerations that the proposed/applied use would not frustrate the long-term planning intention of “AGR” zone; the proposed/applied use was considered not incompatible with the surrounding environment; and the relevant government departments consulted generally had no objection to or no adverse comment on the application or their technical concerns could be addressed by approval conditions. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Nam Hing West Road via a local track; and
- (b) currently hard-paved, fenced-off, and largely occupied by a temporary structure for storage of miscellaneous items without valid planning permission.

7.2 The surrounding areas are rural in character predominated by cultivated and fallow agricultural land intermixing with scattered residential structures, plant nurseries, storage use and vacant land. A nullah is located to the northwest 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 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 in the Recommended Advisory Clauses, if any, are provided in **Appendices III** and **IV** respectively.
- 9.2 The following government departments have adverse comment on or do not support 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 Lot 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) the following irregularities covered by the subject planning application have been detected by his office:

Unauthorised structure(s) within the said private lot covered by the planning application

there is/are unauthorised structure(s) on Lot 439 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) the applicant should note his advisory comments at **Appendix IV**.

Agriculture and Nature Conservation

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

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally vacant with some structures. Agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) no comment from nature conservation perspective as the majority of the Site has been paved.

10. Public Comments Received During Statutory Publication Period

On 5.6.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received from Kadoorie Farm and Botanic Garden Corporation and an individual respectively (**Appendix V**). Kadoorie Farm and Botanic Garden Corporation expresses concern on the application that the proposed use is not in line with the planning intention of the “AGR” zone; there is a rejected planning application No. A/YL-SK/413 for proposed temporary warehouse (excluding dangerous goods godown) adjacent to the Site (**Plan A-2**); and enquires whether the Site would be reinstated after the expiry of planning permission. The individual concerns that the Site might be used as brownfield operations instead of the proposed use under the current application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services and associated filling of land for a period of three years at the Site which is zoned “AGR” on the OZP (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, according to the applicant, the proposed use could provide real estate services for the nearby residents and could make optimal use of the Site. In view of the above and taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis of three years.
- 11.2 Filling of land within 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, Director of Environmental Protection and DAFC have no objection to or no comment on the application from public drainage, environmental planning and nature conservation 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 is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character predominated by cultivated and fallow agricultural land, intermixing with scattered residential structures, plant nurseries, storage use, vacant land and a nullah (**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 and considers that significant landscape impact arising from the proposed use is not anticipated.
- 11.4 Regarding DLO/YL, LandsD’s concerns on the unauthorised structure(s) within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. The applicant also commits to following up with the necessary applications for STW to LandsD upon approval of 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. It is also recommended to advise the applicant to follow the ‘CoP’ issued by the Environmental

Protection Department and other relevant environmental guidelines and legislation in order to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas.

- 11.5 There are five approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments received during the statutory inspection period as stated in paragraph 10 above, the departmental comments and planning assessments above are relevant. In respect of the rejected application (No. A/YL-SK/413) for proposed temporary warehouse located to the immediate west of the Site (**Plan A-2**), its considerations are irrelevant to the current application due to the different use involved. Besides, any unauthorized development at the Site would also be subject to planning enforcement action.

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, 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 three years until 24.7.2029. 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 24.1.2027;
- (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 24.4.2027;
- (c) in relation to (b) above, the implemented drainage facilities on 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 24.1.2027;
- (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 24.4.2027;
- (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) and (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 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 proposed 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 received on 28.5.2026
Appendix Ia	FI received on 29.6.2026
Appendix Ib	FI received on 14.7.2026
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
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

Plan A-4

Site Photos

**PLANNING DEPARTMENT
JULY 2026**