

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/458

<u>Applicant</u>	:	Allgain Land Planning Limited
<u>Site</u>	:	Lot 1639 S.A (Part) in D.D. 114, Shek Kong, Yuen Long
<u>Site Area</u>	:	About 1,080m ²
<u>Lease</u>	:	Tai Po New Grant No. 2997 (for fruit growing purpose)
<u>Plan</u>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/11
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Proposed Temporary Shop and Services with Ancillary Facilities 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 with ancillary facilities 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 occupied by four temporary structures which are mostly vacant except with some cars parked and some miscellaneous items stored under one of the structures without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from a local track leading to Kam Sheung Road (**Plans A-1 to A-3**). According to the applicant, the proposed use involves four single-storey structures with height of not more than 5m and a total floor area of about 452m² for shop and services including hardware store(s), grocery store(s), and/or store(s) selling plants and agricultural tools, as well as ancillary storage, site office and portable toilets (**Drawing A-1**). One parking space for private car will be provided within the Site. No open storage, car washing, vehicle repairing, dismantling, spray painting or other workshop activities will be carried out and no loud speakers or 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 +46.2mPD for erection of

structures and provision of circulation space. No further filling of land will be carried out at the Site. The operation hours will be from 9:00 a.m. to 6:00 p.m. daily, including 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 and Supplementary **(Appendix I)** Information (SI) received on 14.7.2026 and 16.7.2026 respectively
- (b) Further Information (FI) received on 18.8.2026* **(Appendix Ia)**
- (c) FI received on 31.8.2026* **(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 FIs at **Appendices I to Ib**. 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 considered not incompatible with the surroundings which are mainly temporary structures and squatters.
- (b) The proposed use at the Site would provide shop and services including hardware store(s), grocery store(s), and/or store(s) selling plants and agricultural tools for the nearby residents and villagers and could make optimal use of land resources.
- (c) The applicant also applies for regularisation of existing land filling at the Site. No further land filling will be carried out upon obtaining the planning approval.
- (d) The Site is the subject of a previously approved application (No. A/YL-SK/361) for temporary place of recreation, sports or culture (hobby farm) and the permission was subsequently revoked due to non-compliances with approval conditions. The Site has been left vacant as there are difficulties in finding tenant to operate a hobby farm. Therefore, in view of the latest business considerations, the applicant intends to apply for ‘shop and services’ use at the Site to serve the nearby residents instead of operating a hobby farm.
- (e) 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 latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’). The applicant also commits to submitting a drainage proposal to mitigate any anticipated adverse impact arising from the proposed use at the Site. Besides, the applicant commits to timely complying with the approval conditions should the application be approved by the Board.
- (f) 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 not a “current land owner” of the Site but 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 consent of the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The eastern portion of the Site is subject to planning enforcement action against unauthorized development (UD) involving workshop use, storage use and use for place for parking of vehicles (No. E/YL-SK/277) (**Plan A-2**). Enforcement Notice (EN) was issued on 16.10.2025 requiring discontinuation of the UD. Since the UD has not been discontinued upon expiry of the notice, prosecution action has been taken. Latest site inspection revealed that the Site is vacant.

5. **Previous Applications**

The Site is the subject of two previous applications (No. A/YL-SK/297 and 361) for proposed temporary place of recreation, sports or culture (hobby farm) with or without associated land filling which were approved with conditions by the Committee in 2021 and 2024 respectively. Both planning permissions were subsequently revoked due to non-compliance with approval conditions. Considerations of these two applications are irrelevant to the current application due to different uses involved. 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 application (No. A/YL-SK/366) for renewal of planning permission for temporary shop and services and ancillary office straddling across the same “AGR” zone and the adjoining “Village Type Development” (“V”) zone in the past five years. The application was approved with conditions by the Committee in 2024 mainly on the considerations that the applied use would not frustrate the long-term planning intention of “AGR” and “V” zones; the 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 application are summarised in **Appendix II** and its 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 a local track leading to Kam Sheung Road; and
- (b) currently hard-paved, fenced-off, and occupied by four temporary structures which are mostly vacant except with some cars parked and some miscellaneous items stored under one of the structures without valid planning permission.

- 7.2 The surrounding areas are rural in character with an intermix of scattered residential structures, fallow agricultural land, garden, workshops, storage yards, vacant land and graves.

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 Lot 1639 S.A in D.D. 114 held under Tai Po New Grant No. 2997 for the purpose of fruit growing and no structures shall be erected on the lot;
- (c) the following irregularities included by the planning application have been detected by his office:

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

there is/are unauthorised structure(s) on Lot 1639 S.A in D.D. 114 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 21.7.2026, the application was published for public inspection. During the statutory public inspection period, three public comments were received from three individuals objecting to the application (**Appendix V**). Two individuals object to the application mainly on the grounds that the applicant’s description on the current use of the Site is inaccurate; UD and filling of land has long been observed at the Site; the estimation on traffic generation provided by the applicant is inaccurate; there is doubt on the needs for the proposed ‘shop and services’ use at the Site due to the lack of villagers in its vicinity. One individual doubts if the applicant will commit to fulfilling all approval conditions should the application be approved by the Board.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services with ancillary facilities and regularisation of associated filling of land for a period of three years at the Site zoned “AGR” (**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, which will involve hardware store(s), grocery store(s) and/or store(s) selling plants and agricultural tools, could cater for such needs of the nearby residents and villagers. 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 and Director of Environmental Protection have no objection to the application from public 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 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 with an intermix of scattered residential structures, fallow agricultural land, garden, workshops, storage yards, vacant land and graves (**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 the proposed use is not entirely incompatible with the surroundings and significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.4 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. 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 apply to LandsD for STW upon approval of the application (**Appendices Ia and Ib**).
- 11.5 There is an approved similar application straddling across the same "AGR" zone and the adjoining "V" zone in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee's previous decision.
- 11.6 Regarding the public comments received as stated in paragraph 10 above, the background in paragraph 4 as well as the departmental comments and planning assessments 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, 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 11.9.2029. 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 11.3.2027;
- (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 11.6.2027;

- (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 11.3.2027;
- (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 11.6.2027;
- (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) 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 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 and SI received on 14.7.2026 and 16.7.2026 respectively
Appendix Ia	FI received on 18.8.2026
Appendix Ib	FI received on 31.8.2026
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Site 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 and A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2026**