

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/461

<u>Applicant</u>	:	Chong Kee Development Company represented by Tensor Planning and Surveying Limited
<u>Site</u>	:	Lot 627 (Part) in D.D. 112, Shek Kong, Yuen Long
<u>Site Area</u>	:	About 769m 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/11
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Proposed Temporary Eating Place, 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 eating place, 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 and vacant (**Plan A-4**).
- 1.2 The Site is accessible from Shek Kong Airfield Road via a local track (**Plans A-1 to A-3**). According to the applicant, the proposed eating place is for providing fast food, snacks and light refreshments to customers, and the proposed shop and services use is for stores selling daily necessities such as homeware, kitchenware and cleaning supplies. The proposed uses involve two single-storey temporary structures of not more than 5m in height with a total floor area of about 173m² (**Drawing A-1**). Two parking spaces for private car and one loading/unloading (L/UL) space for light goods vehicle (LGV) will be provided within the Site. No workshop activities, open storage, storage of dangerous and dusty goods or storage of unlicensed vehicles will be involved at the Site at all times. In view of the restriction on vessel length for the bridge over the nullah on Shek Kong Airfield Road, only LGV not exceeding 7m long will be used to transport goods to the Site. Sufficient manoeuvring space will

be provided within the Site to ensure that no vehicles will turn back outside the Site (**Drawing A-1**). The applicant also applies for regularisation of filling of land for the entire Site with asphalt and concrete of not more than 0.3m in depth (to a level of about +16.1 to +16.2 mPD) for site formation for erection of structures and provision of vehicular circulation spaces. No further filling of land will be undertaken at the Site. The operation hours will be between 7:00 a.m. and 10:00 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 received on 17.7.2026 (**Appendix I**)

(b) Further Information (FI) received on 2.9.2026* (**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**. They can be summarised as follows:

- (a) The proposed eating place and shop and services intend to offer alternative shopping and catering options to the nearby residents of Shui Lau Tin Tsuen and the surroundings, as well as the workers from the brownfield operations nearby. The temporary nature of the application would not jeopardise the long-term planning intention of the “AGR” zone.
- (b) The Site is located at the northeastern fringe of the “AGR” zone and is in close proximity to the village clusters of Shui Lau Tin Tsuen. The proposed uses are considered not incompatible with the surroundings, which comprise mainly village houses intermixed with some brownfield uses, grassland and vacant land. The proposed uses with a total floor area of about 173m² and height of not more than 5m are considered relatively small in scale.
- (c) The Site is generally flat and has been entirely hard-paved. The applicant applies for regularisation of filling of land for the entire Site with asphalt and concrete of not more than 0.3m in depth. The applicant also commits to reinstating the Site to an amenity area upon expiry of the planning approval.
- (d) The proposed uses will not induce adverse traffic, environmental, landscape and drainage impacts on the surrounding areas and the applicant has submitted a drainage proposal (**Appendix I**) in support of the application. Besides, the applicant also commits to following the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’), the ‘Control of Oily Fume and Cooking Odour from Restaurants and Food Business’ and the ‘Professional Persons Environmental Consultative Committee Practice Notes’ (‘ProPECCPN’), and complying with all environmental protection/pollution control ordinances.

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 posting site notice and sending notice to Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

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

5. **Previous Application**

The Site forms part of the subject site of a previous application (No. A/YL-SK/337¹) for proposed temporary holiday camp with ancillary facilities approved with conditions by the Committee in 2022. The planning permission was subsequently revoked in 2023 due to non-compliance with time-limited approval conditions in relation to the submission of drainage proposal and fire service installations (FSIs) proposal. Considerations of the previous application are irrelevant to the current application due to different uses involved. Details of the previous application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Application**

There is a similar application No. A/YL-SK/377 for proposed temporary shop and services (real estate agency) within the same “AGR” zone in the vicinity of the Site in the past five years. The application was approved with conditions by the Committee in 2024 mainly on the considerations that approving the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone; the proposed use was considered not incompatible with the surroundings; and the relevant government departments consulted generally had no adverse comment or their technical concerns could be addressed by relevant approval conditions. The planning permission under application No. A/YL-SK/377 was subsequently revoked in 2026 due to non-compliance with approval conditions related to the implementation of drainage and FSIs proposals. Details of the similar application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently hard-paved and vacant;

¹ According to the applicant of application No. A/YL-SK/337, no filling of land was involved in the proposed temporary holiday camp with ancillary facilities. As such, the applicant did not apply for filling of land under the previous application and no reinstatement clause was imposed.

- (b) accessible from Shek Kong Airfield Road via a local track; and
- (c) located within the Shui Lau Tin Site of Archaeological Interest.

7.2 The surrounding areas are rural in character comprising mainly village settlements of Shui Lau Tin, low-rise residential development (e.g. 翰林苑), storage and open storage yards, vehicle park, fallow agricultural land, vacant and unused land. To the north of the Site across the nullah is the Shek Kong Airfield (Shek Kong Barracks).

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 Bureau and Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 below, other bureau and 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 does not support the application:

Agriculture and Nature Conservation

9.2.1 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. 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 majority of the Site has been paved.

10. Public Comment Received During Statutory Publication Period

On 24.7.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual, expressing concerns on the environmental, drainage and hygiene aspects which may be induced by the proposed uses, and doubts on whether the Site was reinstated upon the revocation of the previous planning approval for the proposed temporary holiday camp (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary eating place, shop and services and regularisation of associated filling of land for the entire site for a period of three years at the Site, which falls within an area zoned “AGR” on the OZP (**Plan A-1**). Whilst the proposed uses are 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, they could cater for the demand for ‘eating place’ and ‘shop and services’ of the local residents and workers. It is also considered that approving the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone. In view of the above and taking into account the planning assessments below, there is no objection to the proposed uses 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 adverse comment on or 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 uses are considered not incompatible with the surrounding areas which comprise mainly village settlement of Shui Lau Tin, low-rise residential development (e.g. 翰林苑), storage and open storage yards, vehicle park, fallow agricultural land, vacant and unused land, a nullah and the Shek Kong Airfield (Shek Kong Barracks) (**Plans A-1 to A-3**). 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 uses are not entirely incompatible with the surroundings and significant adverse landscape impact arising from the application is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport, Director of Fire Services, Director of Food and Environmental Hygiene, Executive Secretary (Antiquities and Monument)¹ and Executive Secretary (Antiquities and Monument)² of Antiquities and Monuments Office and Director-General of Civil Aviation, 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' to minimise any potential environmental nuisance caused by the proposed uses.

- 11.5 There is an approved similar application for shop and services use (without eating place) within the same "AGR" zone in the past five years (**Plan A-1**). Approving the current application is generally in line with the Committee's previous decision.
- 11.6 Regarding the public comment mentioned in paragraph 10, details of the previous application at paragraph 5 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 comment 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 revised 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 revised 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 attached 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 uses with associated filling of land are 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 17.7.2026
Appendix Ia	FI received on 2.9.2026
Appendix II	Previous and Similar Applications
Appendix III	Government Bureau and 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
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2026**