

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-SK/466**

|                           |   |                                                                                                                                                                                         |
|---------------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Applicant</u></b>   | : | Mr. Li Chi Yung represented by Allgain Land Planning Limited                                                                                                                            |
| <b><u>Site</u></b>        | : | Lots 1326 S.A, 1326 S.B, 1326 S.C, 1326 S.D, 1326 S.E (Part), 1326 RP, 1327 S.D, 1327 S.E (Part), 1327 S.F (Part), 1327 S.G (Part) and 1327 RP (Part) in D.D. 114, Shek Kong, Yuen Long |
| <b><u>Site Area</u></b>   | : | About 1,640m <sup>2</sup>                                                                                                                                                               |
| <b><u>Lease</u></b>       | : | Block Government Lease (demised for agricultural use)                                                                                                                                   |
| <b><u>Plan</u></b>        | : | Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/11                                                                                                                             |
| <b><u>Zoning</u></b>      | : | “Agriculture” (“AGR”)                                                                                                                                                                   |
| <b><u>Application</u></b> | : | 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 fenced-off and subdivided into eight smaller portions, including four in the eastern part of the Site which is hard-paved with vacant temporary structures without valid planning permission, and four in the western part which is vacant with some vegetation cover<sup>1</sup> (**Plans A-1 to A-4b**).
- 1.2 The Site is accessible from Kam Sheung Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the proposed use involves eight single-storey structures with height of not more than 5m and a total floor area of about 320m<sup>2</sup> for shop and services including store(s) selling plants and agricultural tools, real estate agency, hardware store(s),

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<sup>1</sup> The western part of the Site is covered by a valid planning permission under application No. A/YL-SK/451 for proposed temporary place of recreation, sports or culture (hobby farm) and associated filling of land for a period of 3 years until 8.5.2029 (**Plan A-1**).

and/or grocery store(s), as well as portable toilets (**Drawing A-1**). No parking space or loading/unloading (L/UL) space will be provided within the Site. According to the applicant, no more than one delivery or pickup per day is anticipated. For delivery, drivers will notify the staff on site beforehand, park the vehicle temporarily at an adjacent open area to the northwest of the Site for L/UL, and the goods will then be delivered to the Site by trolleys<sup>2</sup> (**Plan A-2**). Besides, no vehicles exceeding 5.5 tonnes would be deployed for delivery purpose or enter the proposed L/UL area. No open storage, car beauty, 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 operation hours will be from 9:00 a.m. to 7:00 p.m. daily, including public holidays.

- 1.3 According to the applicant, the filling of land for about 1,050m<sup>2</sup> (about 64%) of the Site with concrete of not more than 0.2m in depth raising the site level to about +34.9 mPD for site formation of structures and provision of circulation path involves (i) regularisation of land filling works already undertaken (about 650m<sup>2</sup>/39.6% of the Site); and (ii) proposed filling of land (about 400m<sup>2</sup>/24.4% of the Site) (**Drawing A-2**). No land filling works will be undertaken at the remaining parts of the Site (about 590m<sup>2</sup>/36%). The layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.4 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 13.8.2026 and 19.8.2026 respectively
  - (b) Further Information (FI) received on 18.9.2026\* (**Appendix Ia**)
  - (c) FI received on 28.9.2026\* (**Appendix Ib**)
  - (d) FI received on 2.10.2026\* (**Appendix Ic**)

*\*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 with SI and the FIs at **Appendices I to Ic**. 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 occupied by mainly temporary structures and squatters.
- (b) The proposed use at the Site would provide shop and services serving the nearby residents and villagers.
- (c) The Site is the subject of two previously approved applications (No. A/YL-SK/378 and 451) for temporary place of recreation, sports or culture (hobby farm), of which the permission under application No. A/YL-SK/378 was revoked due to non-compliance with

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<sup>2</sup> With a walking distance of about 115m.

approval condition, and that under application No. A/YL-SK/451 is still valid. The applicant states that there are difficulties in finding tenant(s) to operate a hobby farm at the Site. As such, 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.

- (d) The proposed use will not result in adverse traffic, environmental and drainage impacts or fire safety concerns on the surrounding areas. It will not cause any impact on the permitted burial ground to the south of the Site. 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 and a fire service installations (FSIs) proposal to mitigate any anticipated adverse impact arising from the proposed use.
- (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 not a 'current land owner' 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 owners'. Detailed information would be deposited at the meeting for Members' inspection.

### 4. **Background**

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

### 5. **Previous Applications**

The Site is involved in two previous applications (No. A/YL-SK/378 and 451) for proposed temporary place of recreation, sports or culture (hobby farm) with associated filling of land for a period of three years which were approved with conditions by the Committee in 2024 and 2026 respectively. The planning permission under application No. A/YL-SK/378 was subsequently revoked due to non-compliance with approval condition in relation to the implementation of drainage proposal while the planning permission under application No. A/YL-SK/451 is valid until 8.5.2029. Considerations of these two applications are irrelevant to the current application due to different use involved. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

### 6. **Similar Applications**

There are two similar applications for temporary shop and services with ancillary office/facilities, including No. A/YL-SK366 (renewal of planning approval granted) and No. A/YL-SK/458 (with associated filling of land), within/straddling the same "AGR" zone in the vicinity of the Site in

the past five years. The applications were approved with conditions by the Committee for a period of three years in 2024 and 2026 respectively, mainly on the considerations that the applied/proposed use would not frustrate the long-term planning intention of “AGR” zone; the applied/proposed 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-4b)**

### **7.1 The Site is:**

- (a) accessible from Kam Sheung Road via local tracks; and
- (b) currently fenced-off, paved and subdivided into eight smaller portions, including four in the eastern part of the Site which is hard-paved with vacant temporary structures without valid planning permission, and four in the western part which is vacant with some vegetation cover<sup>1</sup>.

7.2 The surrounding areas are rural in character comprising mainly vacant land, cultivated and fallow agricultural land, gardens, vehicle repair workshops, scattered residential dwellings and residential developments (including Parlain Villa and Atlantic Maple Court) (**Plan A-2**). A permitted burial ground falling within the “Conservation Area” zone is located at about 111m the nearest away from the Site to the south (**Plan A-1**).

## **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 (DLO/YL), LandsD:

- (a) has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lot(s) 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 current application have been detected by his office:

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

there is/are unauthorized structure(s) on Lots 1326 S.A, 1326 S.B and 1326 S.C 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 regularization 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) no comment on the application from nature conservation perspective as the majority of the Site has been paved; and
- (c) 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.

## **10. Public Comments Received During Statutory Publication Period**

On 21.8.2026, the application was published for public inspection. During the statutory public inspection period, 11 public comments were received from Kadoorie Farm and Botanic Garden Corporation, nine villagers of Sheung Tsuen<sup>3</sup> and an individual, all objecting to the application mainly on the grounds that the Site is located close to the burial ground of Sheung Tsuen ancestors (**Plan A-1**), the proposed use would bring environmental, traffic and drainage impacts to the surroundings, the proposed would result in potential impact on the Agricultural Priority

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<sup>3</sup> The nine public comments received from the villagers of Sheung Tsuen are in a similar letter format.

Areas at Shek Kong, as well as the concerns on revocation of previous planning approval for hobby farm and the intention of that applicant has to implement the hobby farm at the Site (**Appendix V**).

## **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 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 store(s) selling plants and agricultural tools, real estate agency, hardware store(s), and/or grocery store(s), 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 for a period 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 comprising mainly vacant land, cultivated and fallow agricultural land, gardens, vehicle repair workshops, scattered residential dwellings and residential developments (including Parlain Villa and Atlantic Maple Court) (**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 latest ‘CoP’ and other relevant environmental guidelines and legislations 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 (**Appendix Ia**).
- 11.5 There are two approved similar applications within/straddling the same “AGR” zone of the OZP 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 as stated in paragraph 10 above, the departmental comments and planning assessments above are relevant. Besides, the Site is located at about 111m away from the nearest permitted burial ground to the south (**Plan A-1**) and adverse impact is not envisaged according to the applicant (**Appendices Ia and Ic**).

## 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, 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 9.10.2029. 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 9.4.2027;
- (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 9.7.2027;
- (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 9.4.2027;
- (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 9.7.2027;
- (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 "Agriculture" 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**

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|----------------------------|-------------------------------------------------------------------------------------------|
| <b>Appendix I</b>          | Application Form with attachments and SI received on 13.8.2026 and 19.8.2026 respectively |
| <b>Appendix Ia</b>         | FI received on 18.9.2026                                                                  |
| <b>Appendix Ib</b>         | FI received on 28.9.2026                                                                  |
| <b>Appendix Ic</b>         | FI received on 2.10.2026                                                                  |
| <b>Appendix II</b>         | Previous and Similar Applications                                                         |
| <b>Appendix III</b>        | Government Departments' General Comments                                                  |
| <b>Appendix IV</b>         | Recommended Advisory Clauses                                                              |
| <b>Appendix V</b>          | Public Comments                                                                           |
| <b>Drawing A-1</b>         | Layout Plan                                                                               |
| <b>Drawing A-2</b>         | Land Filling Plan                                                                         |
| <b>Plan A-1</b>            | Location Plan                                                                             |
| <b>Plan A-2</b>            | Site Plan                                                                                 |
| <b>Plan A-3</b>            | Aerial Photo                                                                              |
| <b>Plans A-4a and A-4b</b> | Site Photos                                                                               |

**PLANNING DEPARTMENT  
OCTOBER 2026**