RNTPC Paper No. A/YL-SK/473
For Consideration by the
Rural and New Town
Planning Committee
on 20.11.2026

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/473

Applicant	:	Mr. Chan Yiu Wing represented by Allgain Land Planning Limited
Site	:	Lots 453 S.A ss.3 (Part) and 453 S.A RP (Part) in D.D. 112, Shek Kong, Yuen Long
Site Area	:	About 168m^2
Lease	:	Block Government Lease (demised for agricultural use)
Plan	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/11
Zoning	:	"Agriculture" ("AGR")
Application	:	Proposed Temporary Shop and Services with Ancillary Facilities and Associated Filling of Land for a Period of Three 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, vacant and partially occupied by a tent and a two-storey temporary structure accommodating some miscellaneous items without valid planning permission (**Plans A-2 to A-4b**).

1.2 The Site is accessible from Nam Hing West Road via a local track (**Plans A-1 to A-3**). According to the applicant, the proposed use involves four one to two-storey structures (not more than 6m in height) and a total floor area of about 83m^2 for shop and services, including stores/tent selling outdoor gears, barbeque equipment and metalware with ancillary office and storage, an ancillary toilet and a meter room. One loading/unloading space for light goods vehicles will be provided within the Site (**Drawing A-1**). No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, will be allowed at the Site at all times. 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 operation hours will be from 9:00 a.m.

to 6:00 p.m. daily, including public holidays. The applicant also applies for regularization of filling of land for the entire Site with concrete of not more than 0.2m in depth, raising the site level to about +22.2mPD for erection of structures and provision of circulation space. 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 by the Board on 23.9.2026	(**Appendix I**)
(b)	Further Information (FI) received on 11.11.2026 *	(**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 in **Appendices I and 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 considered not incompatible with the surroundings which are mainly temporary structures and squatters.

(b) The proposed use at the Site would serve the nearby residents and villagers, and provide shop and services including store(s) selling outdoor gears, barbeque equipment, and/or metalware and could make optimal use of land resources.

(c) The proposed use will not result in adverse traffic, environmental and drainage impacts or fire safety concerns on the surroundings. 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 drainage proposal and fire service installations (FSIs) proposal to mitigate any anticipated adverse impact arising from the proposed use at the Site.

(d) Upon the approval of the application, the applicant also commits to applying 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 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 active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. Previous Application

The Site was involved in one previous application (No. A/YL-SK/374) for proposed temporary place of recreation, sports or culture (hobby farm) with associated filling of land, which was approved with conditions by the Committee for a period of three years in 2024. The planning permission was subsequently revoked due to non-compliance with approval conditions in relation to the submission and/or implementation of the drainage proposal and FSIs proposal. Considerations of this application are irrelevant to the current application due to different use involved. Details of the previous application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

There are six similar applications (No. A/YL-SK/318, 348, 392, 404, 416 and 457) for temporary shop and services (with or without ancillary workshop/facilities) covering four sites within the same "AGR" zone in the vicinity of the Site in the past five years. These applications were approved with conditions by the Committee each for a period of three years between 2021 and 2026, 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. The planning permissions under applications No. A/YL-SK/318 and 348 were subsequently revoked in 2023 and 2024 respectively due to non-compliance with time-limited 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 Nam Hing West Road via a local track; and

(b) currently hard-paved, fenced-off, vacant and partially occupied by a tent and a two-storey temporary structure accommodating some miscellaneous items without valid planning permission.

7.2 The surrounding areas are rural in character comprising mainly scattered residential structures, cultivated and fallow agricultural land, parking of vehicles, plant nursery, storage yards and vacant land. A nullah is located at the north 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 department 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 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 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 2.10.2026, the application was published for public inspection. During the statutory public inspection period, five public comments were received from Kadoorie Farm and Botanic Garden Corporation, two residents from Lin Fa Tei[1] and two individuals, all objecting to the application mainly on the grounds that the proposed use would bring environmental nuisance, sewerage and drainage impacts and traffic safety concerns to the surroundings and also result in potential impact on the Agricultural Priority Areas at Shek Kong. One of the individuals also expresses that the height of the proposed temporary structures is excessive and is not compatible with the

[1] The two public comments received from the residents of Lin Fa Tei are in a similar format.

surroundings; the proposed use only has limited socio-economic gains and there is no local demand for more shop and services in the area; and the intention of the applicant to operate the proposed shop and services use at the Site is in doubt (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary shop and services with ancillary facilities 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 stores selling outdoor gears, barbeque equipment and metalware, 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 comprise mainly scattered residential structures, cultivated and fallow agricultural land, parking of vehicles, plant nursery, storage yards, vacant land and a nullah (**Plans A-2 and 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 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.

11.5 There are six 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 as stated in paragraph 10 above, the departmental comments and planning assessments above are relevant. 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 20.11.2029. 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 20.5.2027;

(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 20.8.2027;

(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 20.5.2027;

(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 20.8.2027;

(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

Appendix I	Application Form with attachments received on 23.9.2026
Appendix Ia	FI received on 11.11.2026
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
NOVEMBER 2026