

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1037

- Applicant** : Chan Yuet Sheung
- Site** : Lots 1764 S.B ss.1 (Part), 1764 S.B ss.2, 1764 S.B ss.3, 1764 S.B ss.4
and 1764 S.B RP in D.D. 106, Kam Tin, Yuen Long, New Territories
- Site Area** : About 1,350 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Filling of Land for Permitted Agricultural Use

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed filling of land for permitted agricultural use at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “AGR” zone, while ‘Agricultural Use’ is a Column 1 use which is always permitted, filling of land requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and partly covered by overgrown vegetation with some temporary structures and farm equipment (**Plans A-2, A-4a and 4b**).
- 1.2 The Site is accessible via a local track leading from Kam Sheung Road (**Plans A-1 to A-3**). According to the applicant, the proposed filling of land covering about 1,028m² (about 76% of the Site) with concrete in a depth of not more than 0.1m is for site formation work for proposed greenhouse structures, ancillary storage rooms and offices. The remaining area of the Site (i.e. 322m² or about 24%) will be mainly for agriculture uses without land filling. No parking space will be provided within the Site. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 9.10.2024 (Appendix I)
 - (b) Further Information (FI) received on 18.11.2024 and 20.11.2024[#] (Appendix Ia)
 - (c) FI received on 10.1.2025[#] (Appendix Ib)
 - (d) FI received on 6.2.2025[#] (Appendix Ic)
- [#]accepted and exempted from publication and recounting requirements*

1.4 On 6.12.2024, the Committee agreed to the applicant's requests to defer making a decision on the application for two months.

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 Ic** and are briefly summarised as follows:

- (a) the applicant is interested in cultivation and intends to rehabilitate the abandoned farmland at the Site for farming in the neighbourhood. The farm will be privately used and will not be opened to the public; and
- (b) the farm will use organic fertilizers for cultivation and promote healthy lifestyle and modern production methods in local farms.

3. **Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is one of the "current land owners". In respect of the other "current land owner(s)", the applicant 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 other "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 Application**

There is no previous application covering the Site.

6. **Similar Application**

There is no similar application within the same "AGR" zone in the past five years.

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

7.1 The Site is:

- (a) accessible via a local track leading from Kam Sheung Road; and
- (b) currently vacant and partly covered by overgrown vegetation with some temporary structures and farm equipment.

7.2 The surrounding areas are rural in character and comprise predominantly residential structures, inter-mixing with fallow/active agricultural land, storage yards, car services and vacant land.

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 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) he has adverse comment on the application from land administration point of view;
- (b) the Site comprises Old Schedule Agricultural Lot Nos. 1764 S.B ss.1, 1764 S.B ss.2, 1764 S.B ss.3, 1764 S.B ss.4 and 1764 S.B RP all in D.D. 106 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) LandsD has reservation on the application since there are unauthorized structure(s) and uses on Lots 1764 S.B ss.2 and

1764 S.B ss.4 in D.D. 106 which are already subject to lease enforcement action according to case priority. The lot owner(s) should rectify/apply for regularization on the lease breaches as demanded by LandsD; and

- (d) advisory comments are detailed at **Appendix II**.

Agriculture and Nature Conservation

9.1.2 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC);

- (a) no strong view against the application for the proposed land filling from agricultural perspective on the understanding that substantial agricultural activities are involved in the proposed use;
- (b) the Site falls within the “AGR” zone and possesses potential for agricultural rehabilitation; and
- (c) no comment on the planning application from nature conservation perspective.

Traffic

9.1.3 Comments of the Commissioner for Transport (C for T):

- (a) no comment from traffic engineering perspective; and
- (b) advisory comments are detailed at **Appendix II**.

9.1.4 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) no adverse comment on the application from highways maintenance point of view; and
- (b) advisory comments are detailed at **Appendix II**.

Environment

9.1.5 Comments of the Director of Environment Protection (DEP):

- (a) no objection to the application;
- (b) there was no substantiated environmental complaint received against the Site in the past three years; and

- (c) advisory comments are detailed at **Appendix II**.

Drainage

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN,DSD):

- (a) no objection in principle to the application from public drainage point of view; and
- (b) should the application be approved, approval conditions should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, implement and maintain the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board.

Fire Safety

9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) no objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of the D of FS; and
- (b) advisory comments are detailed at **Appendix II**.

Landscape

9.1.8 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) no adverse comment on the application from landscape planning perspective;
- (b) the Site is located in a rural inland plains landscape character comprising vacant land, temporary structures and scattered tree groups. The proposed use is not entirely incompatible with the surrounding landscape character;
- (c) the Site is occupied by farming. Some structures, pot plants and vegetation are observed within the Site. Given no significant landscape resources is observed within the Site, significant adverse impact on the existing landscape resources arising from the proposed use is not anticipated; and

(d) advisory comments are detailed at **Appendix II**.

9.2 The following Government bureau/departments have no objection to/no adverse comment on the application:

- (a) Chief Building Surveyor/New Territories West, Buildings Department;
- (b) Chief Engineer/ Railway Development 1-1, Railway Development Office, HyD;
- (c) Director of Electrical and Mechanical Services;
- (d) Project Manager (West), Civil Engineering and Development Department;
- (e) Chief Engineer/Construction, Water Supplies Department;
- (f) Commissioner of Police; and
- (g) District Officer (Yuen Long), Home Affairs Department.

10. Public Comments received During the Statutory Publication Period

On 22.10.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received from World Wide Fund for Nature Hong Kong (WWF) and an individual (**Appendix III**). An individual objects to the application as information on land filling was unclear and there was very little genuine farming activity demonstrated in the submission, while WWF welcomed organic farming activity but requested the applicant to justify the necessity of land filling.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed filling of land with concrete in a depth of not more than 0.1m for about 1,028m² (about 76% of the Site) for permitted agricultural use at the Site zoned “AGR”. Whilst ‘Agriculture’ is always permitted within the “AGR” zone, filling of land within the “AGR” zone requires planning permission as it may cause adverse drainage impacts on the adjacent area and adverse impacts on the environment. In this regard, DAFC has no adverse comment on the proposed filling of land for permitted agricultural uses from agricultural perspective, and CE/MN, DSD and DEP have no objection to the application on drainage and environmental aspects respectively.
- 11.2 The proposed filling of land for permitted agricultural use is considered not incompatible with the surrounding areas which comprise predominantly residential structures, storage yards, fallow agricultural land, car service and vacant land. CTP/UD&L, PlanD has no comment on the application from landscape planning perspective considering that the proposed filling of land for permitted agricultural use is not incompatible with surrounding landscape character and significant landscape impact arising from the proposed development is not anticipated.

- 11.3 Other relevant government departments consulted, including C for T and D of FS, have no objection to or adverse comment on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Regarding DLO/YL, LandsD's concern on the unauthorised structure(s) erected 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 has also committed to rectify the lease breaches as demanded by LandsD upon approval given by the Committee (**Appendix Ia**).
- 11.4 For the public comments mentioned in paragraph 10 above, the departmental comments and planning assessments above are relevant.

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, 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 until 28.2.2029, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a drainage proposal before commencement of the filling works on the site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) in relation to (a) above, the implementation of the drainage proposal upon completion of the filling works on the site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the submission of a fire service installations proposal before commencement of the filling works on the site to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (d) in relation to (c) above, the implementation of the fire service installations proposal upon completion of the land filling works on the site to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (e) if any of the above planning condition (a), (b), (c) or (d) is not

complied with before commencement or upon completion of the land filling works respectively, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory clauses

The recommended advisory clauses are attached at **Appendix II**.

12.3 There is no strong reason to recommend rejection of the application.

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 date when the validity of the permission should expire.

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 received on 9.10.2024
Appendix Ia	FI received on 18.11.2024 and 20.11.2024
Appendix Ib	FI received on 10.1.2025
Appendix Ic	FI received on 6.2.2025
Appendix II	Recommended Advisory Clauses
Appendix III	Public Comments
Drawing A-1	Layout and Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**