

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

**APPLICATION NO. A/YL-SK/374**

<b><u>Applicant</u></b>	: Mr. CHAN Yiu Wing represented by Allgain Land Planning Limited
<b><u>Site</u></b>	: Lots 453 S.A ss.3 (Part) and 453 S.A RP (Part) in D.D.112, Shek Kong, Yuen Long
<b><u>Site Area</u></b>	: About 168m <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/9
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years and filling of land at the application site (the Site). The Site falls within an area zoned “AGR” on the approved Shek Kong OZP No. S/YL-SK/9 (**Plan A-1**). According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’ is a Column 2 use within the “AGR” zone which 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 fenced-off, mostly hard-paved with concrete and partly covered with bricks. It is currently used for storage purpose, occupied with a marquee at the centre and an electric meter room at the western corner (**Plans A-3 to A-4**).
- 1.2 According to the application, one two-storey and two single-storey non-domestic structures with building height of not more than 6m and a total non-domestic floor area of about 48m<sup>2</sup> will be erected within the Site for office, reception, storage, ancillary meter room and ancillary portable toilet uses (**Drawing A-1**). A total of 110m<sup>2</sup> (65.5%) of the Site would be farmland area of which the applicant would remove the existing concrete on ground. The applicant also proposes to regularise hard paving of part of the Site (about 48m<sup>2</sup> or 28.6%) with concrete of about 0.2m in depth to levels ranging from +22mPD to +22.2mPD for erection of structures and circulation path (**Drawing A-2**). The proposed operation hours will be from 9:00a.m. to 6:00p.m. daily, including public holidays. The applicant estimates that

a maximum of 10 visitors will visit the Site daily and there will be a maximum of 2 staff members working at the Site to support the hobby farm operation. The Site is accessible via a local access road branching off from Nam Hing West Road (**Plans A-2 and A-3**). No parking or loading/unloading spaces are proposed on the Site. The 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 17.5.2024 (**Appendix I**)
  - (b) Further Information (FIs) received on 21.6.2024\* (**Appendix Ia**)
  - (c) Further Information (FIs) received on 27.6.2024\* (**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** and summarized below:

- (a) the proposed use is on a temporary basis for a period of 3 years and therefore would not jeopardise the long-term planning intention of the “AGR” zone. The proposed use is also considered not incompatible with the surrounding land uses;
- (b) the proposed use provides a place for environmental education and ecotourism activities. It promotes sustainable agricultural activities and is intended to serve as a platform for farmers to promote their farm products and farming activities; and
- (c) the proposed use would not create significant adverse environmental, traffic, drainage and fire impacts on the surrounding areas, and no tree felling would be involved.

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notices and sending notification letter to relevant owners. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

- 4.1 The Site was not formed before the date of first publication of the Gazette of notice of the draft Shek Kong OZP No. S/YL-SK/7 under which filling of land in “AGR” zone started requiring planning permission from the Board.
- 4.2 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 Applications**

- 6.1 There are six similar applications (No. A/YL-SK/294, 299, 306, 314, 322 and 356), involving five sites, for various temporary hobby farm uses (including filling of land) in the vicinity of the Site within the same “AGR” zone in the past five years. Four of the applications (No. A/YL-SK/294, 299, 306 and 356) were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between January 2021 and December 2023, mainly on the considerations that the approval of the application on a temporary basis would not frustrate the long-term planning intention of ‘AGR’ zone, the proposed use was not incompatible with the surrounding land uses; and relevant departments consulted in general had no adverse comment on the application or their technical concerns could be addressed by relevant approval conditions. The remaining two applications (No. A/YL-SK/314 and 322) covering the same site were rejected by the Committee mainly on the ground that the application site was in close proximity to Shek Kong Barracks and approval of the application might result in security concerns.
- 6.2 Details of these applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

## **7. The Site and Its Surrounding Areas (Plans A-2 to A-4)**

- 7.1 The Site is:
- (a) is fenced-off, mostly hard-paved with concrete and partly covered with bricks. It is currently used for storage purpose, occupied with a marquee at the centre and an electric meter room at the western corner; and
  - (b) accessible via a local access road branching off from Nam Hing West Road.
- 7.2 The surrounding areas are predominantly rural in character with cultivated/fallow agricultural land, domestic dwellings/structures, plant nurseries, vacant pigsty, storage, solar energy system and vacant/unused land (**Plans A-2 and A-3**).

## **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 Notes and Explanatory Statement of the OZP, filling of land in “AGR” zone also requires permissions from the Board as the activities may cause adverse drainage and environmental impacts on the adjacent areas.

## **9. Comments from Relevant Government Departments**

- 9.1 Government 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 are provided in **Appendices III and IV** respectively.
- 9.2 The following government department has received local objection to the application:
- 9.2.1 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):
- (a) HAD has no particular comments on the application; and
  - (b) his office has received a comment from the local expressing objection against the application upon close of consultation.

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

The application was published for public inspection on 17.5.2024. During the statutory public inspection period, five public comments were received from the indigenous inhabitant village representative of Pat Heung Lin Fa Tei which was the same local comment received by HAD, Yuen Long district council members, Pat Heung Rural Committee and an individual (**Appendices V-1 to V-5**). They raise objection to/concerns about the application mainly on the grounds that the proposed use would create flooding, disrupt the structure of the Kam Tin River flood prevention channel, affect the pipeline of the Dongjiang water, worsen the traffic condition in the vicinity, there are unauthorised occupation of Government Land and unauthorised structures on the Site and the applicant use hobby farm as a pretext to take advantage of such situation for other use.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years and filling of land at the Site zoned “AGR” (**Plan A-1**). The planning intention of the “AGR” zone 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. According to the applicant, about 110m<sup>2</sup> (or 65.5%) of the Site will be used for farming purpose. The proposed use is generally not in conflict with the planning intention of the “AGR” zone. Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural point of view. Taking into account the planning assessment below, the proposed use on a temporary basis for a period of 3 years could be tolerated.
- 11.2 Filling of land within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental perspectives. An approval condition

requiring reinstatement of the Site to an amenity area is recommended should the Committee decide to approve the application.

- 11.3 The proposed use is considered not incompatible with the surrounding land uses which are rural in character with cultivated/fallow agricultural land, domestic dwellings/structures, plant nurseries, vacant pigsty, storage, solar energy system and vacant/unused land. The Chief Town Planner/Urban Design and Landscape of the Planning Department has no objection to the application as she considers that significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.4 Other relevant departments consulted, including 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 government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by DEP to minimise any potential environmental nuisance.
- 11.5 There are four approved similar applications (No. 294, 299, 306 and 356) for temporary hobby farm, within the same "AGR" zone in the vicinity of the Site as mentioned in paragraph 6.1 above. The Committee's considerations on these similar applications are generally applicable to the current application and approval of this application is in line with the Committee's previous decisions.
- 11.6 Regarding the public comments objecting to the application as stated in paragraph 10 above, the departmental comments and planning considerations above are relevant. Besides, the Site involves no Government Land.

## **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, the Planning Department 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 3 years until 5.7.2027. 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 5.1.2025;
- (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 5.4.2025;

- (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 **5.1.2025**;
- (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 **5.4.2025**;
- (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 to an amenity area 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 use 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. No strong planning justification has been given 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**

<b>Appendix I</b>	Application Form with attachments received on 17.5.2024
<b>Appendix Ia</b>	FI received on 21.6.2024
<b>Appendix Ib</b>	FI received on 27.6.2024
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendices V-1 to V-5</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>Plan A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2024**