

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

**APPLICATION NO. A/YL-SK/378**

- Applicant** : Mr LI Chi Yung represented by Allgain Land Planning Limited
- Site** : Lots 1326 (Part), 1327 S.B (Part) and 1327 S.C (Part) in D.D. 114, Shek Kong, Yuen Long
- Site Area** : About 820m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
- Zoning** : “Agriculture” (“AGR”)
- Application** : 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 three years and filling of land 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 “AGR” zone, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is currently vacant and covered by weeds (**Plan A-4**).
- 1.2 According to the applicant, the Site would be sub-divided into four farmland areas. Within each of the farmland areas, there would be a one-storey structure with a building height not exceeding 5m for storage, education rooms, office and reception. A portable toilet will also be provided. The total floor area of the four structures is about 160m<sup>2</sup>. The farming area would occupy a total area of about 520m<sup>2</sup> (63.4%) of the Site (**Drawing A-1**). The remaining area of about 300m<sup>2</sup> (36.6%) of the Site would be filled with concrete of not more than 0.2m in depth up to +34.9mPD for erection of structures and provision of footpath (**Drawing A-2**). The proposed operation hours are between 9:00 a.m. and 6:00 p.m. daily including public holidays. The Site would accommodate about 20 visitors per day and there will be not more

than two staff members working at the Site to support the hobby farm operation. The Site is accessible from Kam Sheung Road via a local track (**Plan A-2**). No parking space will be provided within 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 (**Appendix I**)  
18.6.2024
- (b) Further Information (FI) received on 12.8.2024\* (**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 use for hobby farm is in line with the planning intention of the “AGR” zone and the Government’s new agriculture policy to promote sustainable farming. The proposed use on a temporary basis would not jeopardise the long-term planning intention of the “AGR” zone.
- (b) The proposed land filling is for erection of structures and provision of footpath. No existing tree would be felled. The proposed use would not cause any adverse environmental, traffic, drainage impacts to the surrounding areas. The applicant will comply with the relevant departments’ requirements to implement the drainage facilities and fire services installation and equipment.
- (c) The applicant will apply for a Short Term Waiver for the proposed structures at the Site if the application is approved, and will reinstate the Site upon expiry of the planning permission.

## **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 notice to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The Site is not subject to any active enforcement action.

## 5. **Previous Application**

There is no previous application covering the Site.

## 6. **Similar Applications**

- 6.1 There are five similar applications (A/YL-SK/290, 297, 327, 359 and 361), involving three sites, for temporary place of recreation, sports or culture (hobby farm) use with or without filling of land within the “AGR” zone in the vicinity of the Site in the past five years. All of the applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between November 2020 and May 2024 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 planning permissions under applications No. A/YL-SK/297 and 327 were subsequently revoked on 12.3.2023 and 20.11.2023 respectively due to non-compliance with approval conditions.
- 6.2 Details of the similar applications are summarised in **Appendix II** and the locations are 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 vacant and covered by weeds; and
  - (b) accessible from Kam Sheung Road via a local track.
- 7.2 The surrounding areas are rural in character comprising residential dwellings/structures intermixed with vehicle repair workshops, a car audio shop, cultivated land and vacant land. Some of these uses are suspected unauthorized developments subject to planning enforcement action.

## 8. **Planning Intention**

- 8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fishponds 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 “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**

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.

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

During the statutory public inspection period, two public comments were received (**Appendix V**). One comment submitted by an individual raises concern if it is the genuine intention to use the Site as hobby farm and considers that the area of land filling is relatively excessive. Another comment received by the Kadoorie Farm and Botanic Garden expressed that investigation should be conducted on whether the Site is subject to enforcement case before the consideration of the application by the Committee.

## **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 three 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 520m<sup>2</sup> (or 63.4%) 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. The Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural perspective. Taking into account the planning assessments below, the proposed use on a temporary basis for a period of three years could be tolerated.
- 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 (DEP) have no objection to the application from drainage and environmental perspectives respectively.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses which are rural in character comprising residential dwellings/structures intermixed with vehicle repair workshops, a car audio shop, cultivated land and vacant land. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that no significant landscape impact arising from the proposed use is anticipated.
- 11.4 Other relevant departments consulted including the Commissioner for Transport and Director of Fire Services have no objection to or adverse comment on the application from traffic and fire safety perspectives respectively. To address the

technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise the possible environmental nuisance on the surrounding areas.

- 11.5 There are five approved similar applications within the same “AGR” zone in the vicinity of the Site as detailed in paragraph 6.1. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment received during the statutory public inspection period detailed in paragraph 10 above, the government departments’ 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 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 three years until 16.8.2027. 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 16.2.2025;
- (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 16.5.2025;
- (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 16.2.2025;
- (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 16.5.2025;

- (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 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 Supporting Documents received on 18.6.2024
<b>Appendix Ia</b>	FI received on 12.8.2024
<b>Appendix II</b>	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>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2024**