

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/393

<u>Applicant</u>	:	Millions Chances Gardening
<u>Site</u>	:	Lots 459 S.B ss.1, 459 S.B RP and 460 in D.D. 112, Shui Lau Tin, Shek Kong Airfield Road, Shek Kong, Yuen Long
<u>Site Area</u>	:	690m ² (about)
<u>Lease</u>	:	Block Government Lease
<u>Plan</u>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	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, ‘Agricultural Use’ is a Column 1 use which is always permitted while filling of land requires planning permission from the Town Planning Board (the Board). The Site is currently fenced off with corrugated metal sheets, partly paved with grasscrete without planning permission and partly covered by wild grass, and is being used for agricultural purpose with some agricultural structures/equipment (**Plans A-4a** and **A-4b**).
- 1.2 The Site is accessible from Shek Kong Airfield Road via a local track with two ingress/egress points at the northeast and northwest of the Site (**Plans A-1** and **A-2**). According to the applicant, the proposed filling of land covering the entire Site with grasscrete for about 315m² (46% of the Site, which includes regularisation of filling of land around the proposed Structures 3 and 4 with grasscrete for about 120m²) and concrete for about 375m² (54% of the Site) with a depth of about 0.1m is to provide solid foundation for erection of agricultural structures (including two greenhouses at Structures 3 and 4) and ancillary facilities for permitted agricultural use, as well as to allow loading/unloading (L/UL) activities within the Site (**Drawing A-1**). While no fixed parking space will be provided, the proposed concrete-paved areas at the eastern and western portions of the Site will serve as L/UL areas for light goods vehicles (LGVs) (**Drawing A-1**) during 10 a.m. to

11:30 a.m. daily. The plan indicating the proposed layout and land filling area as well as a proposed drainage plan submitted by the applicant are shown in **Drawings A-1 and A-2**.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on (Appendix I)
14.10.2024
- (b) Further Information (FI) received on 14.11.2024* (Appendix Ia)
- (c) FI received on 5.2.2025* (Appendix Ib)

** accepted and exempted from publication and recounting requirements*

1.4 On 6.12.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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**. They can be summarised as follows:

- (a) the filling of land with concrete is to support the erection of agricultural structures and L/UL of goods within the Site. Concrete paving will prevent vehicles transporting flower and tree seedlings from slipping and bringing mud onto the road in the rainy season. LGVs will be used for transportation purpose and L/UL will be carried out within the Site, which will not affect the traffic outside the Site;
- (b) the filling of land with grasscrete is to facilitate the movement of trolleys containing flower and tree seedlings within the Site. In addition, the grasscrete is porous which can facilitate reducing the temperature at the Site; and
- (c) permission has been granted by the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) for the two proposed agricultural structures (greenhouses at Structures 3 and 4) at part of the Site (Lots 459 S.B RP and 459 S.B ss.1 in D.D. 112). A drainage proposal is also submitted in support of the application (**Drawing A-2**).

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 owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

While the Site is currently not subject to any active planning enforcement action, part of which was subject to planning enforcement action against unauthorised filling of land. Enforcement Notice and Reinstatement Notice were issued in December 2023 and Compliance Notices were issued in June 2024.

5. Previous Applications

There is no previous application involving the Site.

6. Similar Applications

There is no similar application within the same “AGR” zone.

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

7.1 The Site is:

- (a) fenced off with corrugated metal sheets;
- (b) partly paved with grasscrete without planning permission and partly covered by wild grass;
- (c) currently used for agricultural purpose with some agricultural structures/equipment; and
- (d) accessible from Shek Kong Airfield Road via a local track with two ingress/egress points at the northeast and northwest of the Site.

7.2 The surrounding areas are rural in nature with an intermix of active/fallow agricultural land, domestic structures, storage yards, a site erected with solar energy panels, tree clusters and vacant land. To the immediate north of the Site is a nullah and across which is Shek Kong Airfield Road and Shek Kong Barracks.

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, planning permission from the Board is required for filling of land within the “AGR” zone, as the activity may cause adverse drainage and environmental impacts on the adjacent areas.

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 DLO/YL, LandsD:

- (a) the Site comprises Old Schedule Agricultural Lot Nos. 459 S.B ss.1, 459 S.B RP and 460 all in D.D. 112 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;
- (b) letter of approval MT/LM16150 was given for erection of agricultural structures on Lot Nos. 459 S.B ss.1 and 459 S.B RP both in D.D.112; and
- (c) advisory comments are set out at **Appendix II**.

Agriculture and Nature Conservation

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

- (a) no strong view on the application for land filling related to agriculture from agricultural perspective since the Site is proposed to be used for agricultural purpose;
- (b) the Site falls within the “AGR” zone and is generally vacant with some structures. The 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.;
- (c) no comment on the planning application from nature conservation perspective; and
- (d) advisory comments are set out at **Appendix II**.

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 set out 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 set out at **Appendix II**.

Environment

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

- (a) no objection to the application from environmental planning perspective;
- (b) there was no substantiated environmental complaint concerning the Site received in the past three years; and
- (c) advisory comments are set out at **Appendix II**.

Drainage

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

- (a) the drainage proposal is considered acceptable from drainage point of view;
- (b) should the application be approved, approval condition should be stipulated requiring the applicant to implement the agreed drainage proposal to the satisfaction of the Director of Drainage Services or of the Board; and
- (c) advisory comments are set out at **Appendix II**.

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 his satisfaction; and~~
- ~~(b) advisory comments are set out at Appendix II.~~

Landscape

~~9.1.8~~ 9.1.7 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) based on the aerial photo of 2023, the Site is located in a rural inland plains landscape character comprising of village houses, temporary structures, farmland, vacant land and scattered tree groups. The proposed filling of land is not entirely incompatible with the surrounding landscape character; and

(c) significant adverse landscape impact arising from the proposed filling of land is not anticipated.

9.2 The following government departments have no objection to or no comment on the application. Their advisory comments in the Recommended Advisory Clauses, if any, are provided in **Appendix II**:

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

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

On 22.10.2024, the application was published for public inspection. During the statutory public inspection period, five objecting comments were received (**Appendix III**), including three respectively from Pat Heung Lin Fa Tei Indigenous Inhabitant Representatives, Pat Heung Rural Committee and an individual expressing that the proposed use/filling of land would worsen the local traffic, environmental, flooding and ecological conditions; one from Kadoorie Farm and Botanic Garden Corporation raising concerns that approval of the application would set an undesirable precedent of “destroy first, build later”, whether any ongoing enforcement action against the Site has been taken and whether the proposed filling of land would permanently affect the arability of the Site; and one from an individual expressing that the Site is not suitable for agricultural use.

11. **Planning Considerations and Assessments**

11.1 The application is for proposed filling of land for the entire Site with grasscrete for about 315m² (46% of the Site, which includes regularisation of filling of land with grasscrete for about 120m²) and concrete for about 375m² (54% of the Site) with a depth of about 0.1m (**Drawing A-1**) to facilitate permitted agricultural use at the Site zoned “AGR” (**Plan A-1**). Whilst ‘Agriculture’ use is always permitted within the “AGR” zone, filling of land requires planning permission from the Board, as it may cause adverse drainage and environmental impacts on the adjacent areas. 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 from drainage and environmental aspects respectively. In support of the application, the applicant

has submitted a drainage proposal, which is considered acceptable by CE/MN, DSD.

- 11.2 The proposed filling of land for permitted agricultural use is considered not incompatible with the surrounding areas which comprise predominantly active/fallow agricultural land, domestic structures, storage yards, tree clusters and vacant land (**Plan A-2**). CTP/UD&L, PlanD has no adverse comment from landscape planning perspective considering that the proposed filling of land for permitted agricultural use is not entirely incompatible with the surrounding landscape character and significant adverse landscape impact arising from the proposed filling of land is not anticipated.
- 11.3 Other relevant government departments consulted, including C for T and D of FS, have no objection to or no comment on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.4 For the public comments mentioned in paragraph 10 above, the departmental comments and the 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, 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 28.3.2029, 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 implementation of the accepted drainage proposal upon completion of the land filling works on the site to the satisfaction of the Director of Drainage Services or of the Town Planning Board; *and*
- ~~(b) the submission of a fire service installations proposal before commencement of any land filling works on the site to the satisfaction of the Director of Fire Services or of the Town Planning Board;~~
- ~~(c) in relation to (b) 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
- (d) ~~(b)~~ if *any of* the above planning condition (a), ~~(b) or (c)~~ is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory Clauses

The recommended advisory clauses are 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 with attachments received on 14.10.2024
Appendix Ia	FI received on 14.11.2024
Appendix Ib	FI received on 5.2.2025
Appendix II	Recommended Advisory Clauses
Appendix III	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Proposed Drainage 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
MARCH 2025**