

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1274

- Applicant** : Easylink Solar Energy Limited represented by Goldrich Planners and Surveyors Limited.
- Site** : Lots 330 RP (Part), 331 RP (Part), 332 RP (Part), 333 RP (Part) and 334 RP (Part) in D.D. 121 and Adjoining Government Land (GL), Yuen Long
- Site Area** : 2,809 m² (about) (including GL of about 177 m² (about 6.3%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years

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 five years at the application site (the Site) zoned “GB” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “GB” zone, ‘Place of Recreation, Sports or Culture’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently fenced off and occupied by a plant nursery with some solar panels and converted containers (**Plans A-2 to A-4b**).
- 1.2 The Site with the ingress/egress at the northern part is accessible from Fui Sha Wai South Road (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, 23 single-storey structures (about 3 to 5m in height) are proposed within the Site, including nine structures with a total floor area of 910m² for open sheds for plant nursery, aquaponics farming and greenhouses. The remaining 14 structures with a total floor area of 293.7m² are provided for temperature-controlled germination rooms, storage, meter rooms, agricultural produce workshop and ancillary office uses (**Drawing A-2**). The total area for cultivation including covered agricultural and open farming areas is about 1,716m² (about 61.1% of the Site). The produces are mainly flowers, houseplants and vegetables which will be sold to interested customers. Four to five staff members will station at the Site to maintain the

agricultural works. Advanced booking would be required for visiting the Site and about two visitors per day during weekdays and 12 visitors per day during weekends and public holidays are expected. No filling of land, vegetation clearance and tree felling will be carried out at the Site and no public announcement systems, whistle blowing or portable loudspeaker will be allowed within the Site. Plans showing the vehicular access leading to the Site, site layout, swept path analysis, landscape proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.

1.3 The major development parameters of the application are summarised as follows:

Site Area	About 2,809 m ²
Total Floor Area (Non-domestic)	About 1,203.7 m ²
No. and Height of Structures	23 • for open sheds, germination rooms, storage, meter rooms, agricultural produce workshop, greenhouses and office (3 to 5m, 1 storey)
No. of Parking Space	1 (for light goods vehicle) (7m x 3.5m)
No. of Loading/ Unloading Space	Nil
Operation Hours	9:00 a.m. to 6:00 p.m. daily (including Sundays and Public Holidays)

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

- (a) Application Form received on 18.6.2024 (Appendix I)
- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Further Information (FI) received on 2.8.2024 (Appendix Ib)
[accepted but not exempted from publication and recounting requirements]
- (d) FI received on 12.8.2024 (Appendix Ic)
[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 Supplementary Planning Statement and FIs (**Appendices Ia to Ic**). They can be summarised as follows:

- (a) the proposed development is temporary in nature. It is in line with the planning intention of the “GB” zone and compatible with the surrounding areas. The proposed temporary use for a period of five years would not jeopardise the long-term planning intention of the “GB” zone;
- (b) the proposal is in line with the Town Planning Board Guidelines for “Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 10);

- (c) similar applications had been approved by the Board in another “GB” zone under the OZP;
- (d) 21 new trees will be planted along the western and eastern boundary of the Site to mitigate the potential visual and landscape impacts arising from the proposed development;
- (e) the proposed development can promote revitalisation of agricultural activities and provide career opportunities and passive recreational outlets to the surrounding areas;
- (f) solar panels are proposed to generate electricity for agricultural use within the Site only and it is in line with the Hong Kong’s Climate Action Plan 2050 in optimising usage of renewable energy;
- (g) the applicant will apply for a short term waiver to regularise the unauthorised structures at the Site; and
- (h) the proposed use will not cause adverse traffic, visual, landscape, drainage, fire safety, noise and environmental impacts on the surrounding areas.

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 posting site notice and sending the notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31B are not applicable.

4. Town Planning Board Guidelines

TPB PG-No. 10 is relevant to the application. The relevant assessment criteria are detailed at **Appendix II**.

5. Background

The Site is subject to planning enforcement action against unauthorized development (UD) involving use for place for solar panels installation and storage use (including deposit of containers). Enforcement Notice was issued on 28.3.2024 requiring discontinuation of the UD. During site inspection on 17.7.2024, the Site was not hard-paved and largely covered with vegetation. Some solar panels, potted plants and converted containers were observed at the Site. The Site is under close monitoring.

6. Previous Application

The Site is involved in a previous application (No. A/YL-TYST/724) for proposed filling of land (about 1m) for permitted agricultural use which was rejected by the Rural and

New Town Planning Committee (the Committee) on 17.4.2025. The considerations are not relevant to the current application as it involves a different use. Details of the application are summarised in **Appendix III** and the boundary of the site is shown on **Plan A-1**.

7. Similar Application

There is no similar planning application within the subject “GB” zone.

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

8.1 The Site is:

- (a) accessible from Fui Sha Wai South Road (**Plans A-2 and A-3**); and
- (b) currently fenced off and occupied by a plant nursery (**Plans A-2 to A-4b**).

8.2 The surrounding areas have the following characteristics (**Plans A-2 to A-4b**):

- (a) comprise predominantly residential structures and developments (i.e. Uptown) intermixed with open storage/storage yards, car park, vehicle repair workshop, vacant school and vacant and unused land; and
- (b) some of the open storage/storage yards and vehicle repair workshop in the vicinity are suspected UDs subject to planning enforcement action.

9. Planning Intention

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices IV and V** respectively.

10.2 The following government department has adverse comment on the application:

Land Administration

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

- (a) he has reservation on the planning application since there are unauthorised

structure(s) and/or uses on the private lot(s) which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularization on the lease breaches as demanded by LandsD; and

- (b) no permission is given for occupation of GL (about 177m² as mentioned in the application form) included in the Site. Any occupation of GL without Government's prior approval is an offence under Land (Miscellaneous Provisions) Ordinance (Cap. 28).

11. Public Comments Received During the Statutory Publication Periods

On 25.6.2024 and 9.8.2024, the application and its FI were published for public inspection. During the statutory public inspection periods, a total of five public comments were received, including four from The Kadoorie Farm & Botanic Garden Corporation, The Conservancy Association and two individuals objecting to the application on the grounds that the proposed development is not in line with planning intention of the "GB" zone; there is a rejected previous application for proposed filling of land (about 1m) for permitted agricultural use at the Site and approval of the current application would set an undesirable precedent; the application is a "Destroy First and Build Later" case; and the proposed development would result in adverse environmental, noise, landscape and drainage impacts (**Appendix VI-1**). The remaining public comment from the Chairman of the Yuen Long Town Centre & Rural East Area Committee does not express any comment on the application (**Appendix VI-2**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) for a period of five years at the Site zoned "GB" on the OZP (**Plan A-1**). The proposed temporary hobby farm, which can be regarded as a passive recreational use, is considered not in conflict with the planning intention of the "GB" zone. Considering that the proposed hobby farm can provide a passive recreational outlet for leisure farming, approval of the application on a temporary basis would not jeopardise the long-term planning intention of the "GB" zone.
- 12.2 The surrounding areas comprise predominantly residential structures and developments intermixed with open storage/storage yards, car park, vehicle repair workshop, vacant school and vacant and unused land (**Plans A-2 and A-3**). The proposed use is considered not incompatible with the surrounding land uses.
- 12.3 As stated in TPB PG-No. 10, an application for new development within "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The development and its vehicular access road should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape, as well as overstrain the capacity of existing and planned infrastructure in the area. The design and layout of the development should be compatible with the surrounding areas. Passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration. In this regard, over 60% of the Site (about 61.1%) is proposed for cultivation purpose and no site formation will be carried out at the Site. The proposed single-storey structures with height of 3 to 5m are considered not

incompatible with the surrounding areas. A total of 21 new trees are proposed to be planted along the western and eastern boundaries of the Site. The Chief Town Planner/Urban Design and Landscape, Planning Department has no comment on the application from landscape planning point of view as significant landscape impact on existing landscape resources within the Site is not anticipated. In view of the above and noting the views of other concerned departments as stated in paragraph 12.4 below, the proposed temporary hobby farm is considered not in conflict with TPB PG-No. 10.

- 12.4 Concerned government departments, including the Director of Agriculture, Fisheries and Conservation, Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to/no adverse comment on the application from nature conservation, agriculture, traffic, environmental, fire safety and drainage aspects respectively. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental nuisance on the surrounding areas and an approval condition requiring the reinstatement of the Site to an amenity area is recommended.
- 12.5 As for DLO/YL, LandsD’s concerns on the unauthorised structure(s) and/or uses on the Site which are already subject to lease enforcement actions, the applicant indicated that a short term waiver will be applied from DLO/YL, LandsD upon approval of the application to regularise the unauthorised structures at the Site (**Appendix Ib**).
- 12.6 There are five public comments received during the statutory publication periods including four of them objecting to the application as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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 five years until 20.9.2029. The following conditions of approval and advisory clauses are 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 20.3.2025;

- (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 20.6.2025;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted 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 20.6.2025;
- (e) 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;
- (f) if any of the above planning condition (a), (b) or (d) 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
- (g) 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 V**.

- 13.3 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 "GB" zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form received on 18.6.2024
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 2.8.2024
Appendix Ic	FI received on 12.8.2024
Appendix II	Extracts of TPB PG-No. 10
Appendix III	Previous Application
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendices VI-1 to VI-2	Public Comments
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	Swept Path Analysis
Drawing A-4	Landscape Proposal
Drawing A-5	FSIs Proposal
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
SEPTEMBER 2024**