

**REVIEW OF APPLICATION NO. A/YL-SK/322**  
**UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm)  
for a Period of 3 Years in “Agriculture” Zone,  
Lot 361 S.B. RP (Part) in D.D. 112, Shek Kong, Yuen Long**

**1. Background**

- 1.1 On 15.11.2021, the applicant, Miss WONG Yin Mia represented by Allgain Land Administrators (Hong Kong) Limited, submitted the subject application under the Section 16 of the Town Planning Ordinance (the Ordinance) to seek permission for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years at the application site (the Site), with an area of about 531m<sup>2</sup>, which falls within an area zoned “Agriculture” (“AGR”) on the approved Shek Kong Outline Zoning Plan (the OZP) No. S/YL-SK/9 (**Plan R-1**).
- 1.2 On 14.1.2022, the Rural and New Town Planning Committee (the RNTPC) of the Town Planning Board (the Board) decided to reject the application for the following reason:
- the Site was in close proximity to the Shek Kong Barracks. Approval of the application might result in security concerns.
- 1.3 According to the applicant, about 273m<sup>2</sup> (or about 51% of the Site) will be used as farmland area whereas about 150m<sup>2</sup> (or about 28% of the Site) on existing soil ground will be used as circulation area. The remaining area will be occupied by two 2-storey structures with building heights of not more than 6m and a total non-domestic floor area of about 216m<sup>2</sup> for site office, reception, changing room, agricultural education room, storage of farm tools and washroom. The operation hours will be from 9:00am to 6:00pm daily (including public holidays). No parking space will be provided on-site. The Site is accessible via a local access road branching off from Shek Kong Airfield Road (**Plan R-2**). There is no change in the development proposal as compared with the one at the Section 16 application stage. The location plan and layout plan submitted by the applicant are at Drawings A-1 and A-2 of **Annex A**.
- 1.4 For Members’ reference, the following documents are attached:
- (a) RNTPC Paper No. A/YL-SK/322 (Annex A)
  - (b) Extract of minutes of the RNTPC Meeting held on 14.1.2022 (Annex B)
  - (c) Secretary of the Board’s letter dated 28.1.2022 (Annex C)

## 2. **Application for Review**

On 16.2.2022, the applicant applied, under Section 17(1) of the Ordinance, for a review of the RNTPC's decision to reject the application (**Annex D-1**). In support of the review, the applicant submitted written justifications (**Annex D-2**) providing reasons for review and supplementary information of the proposed hobby farm.

## 3. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the review application are detailed in the applicant's submission at **Annex D-2** as follows:

- (a) the Site is subject to a previously approved application No. A/YL-SK/241 for the same applied use in 2018;
- (b) applications for temporary uses in the surrounding areas of the Shek Kong Barracks were previously approved by the RNTPC; and
- (c) the applicant intends to promote the sustainability and eco-friendly living concepts for younger generations through the proposed hobby farm use.

## 4. **The Section 16 Application**

*The Site and Its Surrounding Areas* (**Plans R-1 and R-2**, aerial photo on **Plan R-3** and site photos on **Plan R-4**)

- 4.1 The situation of the Site and its surrounding areas at the time of consideration of the Section 16 application by RNTPC are described in para. 7 of **Annex A**. There has not been any major change in the planning circumstances of the area since then.
- 4.2 The Site is:
  - (a) currently fenced, vacant, partly hard-paved and partly covered by weeds; and
  - (b) accessible via a local access road branching off from Shek Kong Airfield Road.
- 4.3 The surrounding areas are predominantly rural in character with active/fallow farmland, domestic dwellings/structures, open storage yards and vacant land:
  - (a) to its immediate north are a local access branching off from Shek Kong Airfield Road and a nullah, and to its further north is the Airfield of Shek Kong Barracks;
  - (b) to its east, south and west are mainly pieces of active/fallow farmland intermixed with scattered domestic dwellings/structures and vacant land;

and

- (c) to its west and southwest are an open storage yard and Pat Heung Central Primary School respectively.

#### Planning Intention

- 4.4 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.

#### Previous Applications

- 4.5 The Site is the subject of three previous applications, namely No. A/YL-SK/215 for proposed temporary shop and services (real estate agency) and Nos. A/YL-SK/241 and 314 for proposed temporary place of recreation, sports or culture (hobby farm) uses. Details of the applications are summarised in Appendix II of **Annex A** and the locations are shown on **Plan R-1**.

#### Two rejected applications

- 4.6 Application No. A/YL-SK/215 for proposed temporary shop and services (real estate agency) was rejected by the RNTPC in 2016 on the considerations that the application site was only accessible via a vehicular track leading from Shek Kong Airfield Road to the north across a nullah at the northern fringe of Shek Kong Area, and therefore considered not easily accessible for provision of shop and services use to serve the needs of nearby villagers, and no similar temporary use and other shop and services use were found in the vicinity.
- 4.7 Application No. A/YL-SK/314 for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 5 years and filling of land was rejected by the RNTPC in 2021 mainly on the grounds that the application site was in close proximity to the Shek Kong Barracks and approval of the application might result in security concerns.

#### One approved application

- 4.8 Application No. A/YL-SK/241 for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years was approved with conditions by the RNTPC in 2018 mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone; it was considered not incompatible with the surrounding areas and would unlikely generate significant adverse impacts; relevant government departments had no adverse comment on the application; and the technical concerns/requirements of the relevant government departments could be addressed by the approval conditions. However, the planning approval was revoked in 2021 due to non-compliance with approval conditions in relation to the implementation of landscape and drainage proposals, and the submission and implementation of fire service installations (FSIs) proposal.

### Similar Applications

- 4.9 There are six similar applications (Nos. A/YL-SK/235, 244, 291, 294, 299 and 306) for temporary place of recreation, sports or culture (hobby farm) use (with animal hospice services establishment for Application No. A/YL-SK/291) within the same “AGR” zone on the OZP. The former three applications are for a period of 3 years without filling of land while the last three are for a period of 5 years with filling of land. Details of these applications are summarised at Appendix III of **Annex A** and the locations are shown on **Plan R-1**.
- 4.10 Among the six similar applications, five applications (Nos. A/YL-SK/235, 244, 294, 299 and 306) were approved by the RNTPC from 2018 to 2021 on similar considerations as stated in para. 4.8 above. The remaining application for temporary hobby farm with animal hospice services establishment use (No. A/YL-SK/291) was rejected by the RNTPC in November 2020 mainly on the grounds that the animal hospice services establishment use was not in line with the planning intention of the “AGR” zone and was incompatible with the surrounding environment.

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

- 5.1 The following government bureau has no further comments on the review application and maintains his previous views of not supporting the application, which are recapped as below:

### **Security**

- 5.1.1 The Secretary for Security (S for S)’s comments on the application as stated in para. 9.1.10 of **Annex A** are recapitulated below:

the Site is in close proximity to the Shek Kong Barracks. Due to the security concerns, the application is not supported.

- 5.2 The following government departments have no further comments on the review application and maintain their previous views of having no objection to or no adverse comments on the application as stated in para. 9 of **Annex A**. Their advisory comments, if any, are in Appendix V of **Annex A** and recapped in **Annex F**.

- (a) District Lands Officer/Yuen Long, Lands Department;
- (b) Commissioner for Transport (C for T);
- (c) Chief Highway Engineer/New Territories West, Highways Department;
- (d) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD);
- (e) Director of Environmental Protection (DEP);
- (f) Director of Agriculture, Fisheries and Conservation (DAFC);
- (g) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (h) Chief Engineer/Construction, Water Supplies Department;

- (i) Chief Building Surveyor/New Territories West, Buildings Department;
- (j) Director of Fire Services (D of FS);
- (k) Commissioner of Police;
- (l) Project Manager/West, Civil Engineering and Development Department;  
and
- (m) District Officer/Yuen Long, Home Affairs Department.

## **6. Public Comments on the Review Application Received During Statutory Publication Period**

- 6.1 On 25.2.2022, the review application was published for public inspection. During the first three weeks of the statutory public inspection period, 2 public comments were received from the Conservancy Association (**Annex E-1**) and an individual (**Annex E-2**) respectively. They raise objections to the review application mainly on the grounds that the development would cause environmental impact and security concerns to the surrounding areas.
- 6.2 At the stage of Section 16 application, 25 public comments were received. The summary of the comments are in para. 10 of **Annex A**.

## **7. Planning Considerations and Assessments**

- 7.1 The application is for a review of RNTPC's decision on 14.1.2022 to reject the application for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years at the Site which is zoned "AGR" zone. The rejection reason was that the Site is in close proximity to the Shek Kong Barracks and approval of the application might result in security concerns. In support of the review, the applicant has put forward justifications (**Annex D-2**) as summarised in para. 3 above. There is no change in the development proposal and planning circumstances of the Site as compared with those at the stage of Section 16 application.
- 7.2 One of the grounds of review is that the Site is subject to a previous application (No. A/YL-SK/241) for the same applied use which was approved by the RNTPC in 2018 as stated in para. 3(a). This application was however revoked in 2021 due to non-compliance with approval conditions as stated in para. 4.8. The Site is also subject to another previous application (No. A/YL-SK/314) for the same proposed hobby farm use, which was rejected in 2021 mainly on the considerations of security concerns as stated in para. 4.7. Rejection of the current review application is in line with the previous considerations of the RNTPC.
- 7.3 While there are applications for temporary uses in the surrounding areas of the Shek Kong Barracks approved by the RNTPC as stated by the applicant in para. 3(b), they are not in the close proximity to the specific locality of the Shek Kong Barracks where S for S had not raised concerns. For the current review, S for S maintains his previous stance that approval of the application may result in security concerns.

- 7.4 The applicant claimed that she intends to promote the sustainability and eco-friendly living concepts for younger generations through the proposed hobby farm use. 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. The proposed hobby farm use is generally not in conflict with the planning intention of the “AGR” zone. DAFC maintains his view of having no comment on the application from agricultural point of view. However, the security concern raised by S for S remains valid.
- 7.5 Other departments consulted including C for T, DEP, CE/MN of DSD and CTP/UD&L of PlanD maintain their views of having no objection / no adverse comments on the current review application. Should the application be approved by the Board, relevant approval conditions as suggested by CE/MN of DSD and D of FS are recommended in para. 8.2 below.
- 7.6 The opposing public comments received for the review application as stated in para. 6.1 above are similar to those received at Section 16 stage. The planning assessments and departmental comments above are relevant.

## **8. Planning Department’s Views**

- 8.1 Based on the assessments made in para. 7, having taken into account the public comments mentioned in para. 6, and given that there is no major change in the planning circumstances since the consideration of the subject application by the RNTPC on 14.1.2022, the Planning Department maintains its previous view of not supporting the review application for the following reason:

the Site is in close proximity to the Shek Kong Barracks. Approval of the application may result in security concerns.

- 8.2 Alternatively, should the Board 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 13.5.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) no operation between 6:00p.m. and 9:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) 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 13.11.2022;
- (c) in relation to (b) 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 13.2.2023;

- (d) in relation to (c) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) the submission of a fire service installation 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 13.11.2022;
- (f) in relation to (e) above, the implementation of the fire service installation 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 13.2.2023;
- (g) if any of the above planning conditions (a) or (d) 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; and
- (h) if any of the above planning conditions (b), (c), (e) or (f) 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.

Advisory clauses

The recommended advisory clauses are attached at **Annex F**.

**9. Decision Sought**

- 9.1 The Board is invited to consider the application for a review of the RNTPC's decision and decide whether to accede to the application.
- 9.2 Should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 9.3 Alternatively, should the Board decide to approve the review 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.

**10. Attachments**

<b>Annex A</b>	RNTPC Paper No. A/YL-SK/322
<b>Annex B</b>	Extract of minutes of the RNTPC meeting held on 14.1.2022
<b>Annex C</b>	Secretary of the Board's letter dated 28.1.2022
<b>Annex D-1</b>	Applicant's letter dated 16.2.2022 applying for review
<b>Annex D-2</b>	Applicant's written justifications and supplementary information
<b>Annexes E1 to E2</b>	Public comments on the review application
<b>Annex F</b>	Recommended advisory clauses

<b>Plan R-1</b>	Location Plan
<b>Plan R-2</b>	Site Plan
<b>Plan R-3</b>	Aerial Photo
<b>Plan R-4</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2022**