

**Minutes of 1343<sup>rd</sup> Meeting of the  
Town Planning Board held on 22.8.2025**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Ms Doris P.L. Ho

Chairperson

Mr Stephen L.H. Liu

Vice-chairperson

Ms Sandy H.Y. Wong

Mr Daniel K.S. Lau

Mr K.W. Leung

Professor Jonathan W.C. Wong

Mr Ricky W.Y. Yu

Dr Venus Y.H. Lun

Mr Vincent K.Y. Ho

Mr Timothy K.W. Ma

Professor Bernadette W.S. Tsui

Ms Kelly Y.S. Chan

Dr C.M. Cheng

Mr Daniel K.W. Chung

Dr Tony C.M. Ip

Mr Rocky L.K. Poon

Professor B.S. Tang

Professor Simon K.L. Wong

Mr Derrick S.M. Yip

Chief Traffic Engineer (New Territories West)  
Transport Department  
Ms Vilian W.L. Sum

Principal Environmental Protection Officer/Territory South  
Environmental Protection Department  
Miss Queenie Y.C. Ng

Director of Lands  
Mr Maurice K.W. Loo

Director of Planning  
Mr C.K. Yip

Deputy Director of Planning/District  
Ms Donna Y.P. Tam

Secretary

**Absent with Apologies**

Mr Stanley T.S. Choi

Professor Roger C.K. Chan

Mr Ben S.S. Lui

Mr Ryan M.K. Ip

Mr Simon Y.S. Wong

Chief Engineer (Works)  
Home Affairs Department  
Mr Bond C.P. Chow

**In Attendance**

Assistant Director of Planning/Board  
Ms Caroline T.Y. Tang

Chief Town Planner/Town Planning Board  
Ms Katy C.W. Fung

Senior Town Planner/Town Planning Board  
Ms Bonnie K.C. Lee

**Agenda Item 1**

[Open Meeting]

Confirmation of Minutes of the 1341<sup>st</sup> Meeting held on 8.8.2025

[The item was conducted in Cantonese.]

1. The draft minutes of the 1341<sup>st</sup> meeting held on 8.8.2025 would be sent to Members in due course. Subject to any proposed amendments by Members, the minutes would be confirmed.

[Post-meeting note: The draft minutes were sent to Members on 27.8.2025 and were confirmed on 29.8.2025 without amendment.]

**Agenda Item 2**

[Open Meeting]

Matters Arising

[The item was conducted in Cantonese.]

2. The Secretary reported that there were no matters arising.

[Mr Derrick S.M. Yip and Miss Queenie Y.C. Ng joined the meeting at this point.]

## **Sha Tin, Tai Po and North District**

### **Agenda Item 3**

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TKLN/96

Temporary Holiday Camp for a Period of 3 Years in “Green Belt” Zone, Lots 20 RP (Part), 21 (Part), 22 (Part), 23 (Part) and 25 (Part) in D.D. 80, Ta Kwu Ling North, New Territories (TPB Paper No. 11016)

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[The item was conducted in Cantonese.]

### **Presentation and Question Sessions**

3. The following representatives of the Planning Department (PlanD) and the applicant’s representatives were invited to the meeting at this point:

#### **PlanD**

Mr Rico W.K. Tsang - District Planning Officer/Shan Tin, Tai Po and North (DPO/STN)

Ms Ivy C.W. Wong - Senior Town Planner/Shan Tin, Tai Po and North (STP/STN)

#### **Applicant’s Representatives**

Mr Eric Choy

Mr Mantic Ng

4. The Chairperson extended a welcome and explained the procedures of the review hearing. To ensure smooth and efficient conduct of the meeting, a time limit of 15 minutes was set for presentation of the applicant’s representatives. She then invited PlanD’s representatives to brief Members on the review application.

5. With the aid of a PowerPoint presentation, Ms Ivy C.W. Wong, STP/STN, PlanD briefed Members on the background of the review application including the application site (the

Site) and the surrounding areas, the applicant's proposal and justifications, the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board/TPB), departmental and public comments, and the planning considerations and assessments as detailed in TPB Paper No. 11016 (the Paper). The Site formed part of an existing holiday camp operated by the applicant within the "Recreation" ("REC") and "Green Belt" ("GB") zones. The current application covered the part of the holiday camp falling within the "GB" zone. As there had been no major change in planning circumstances since the consideration of the section 16 (s.16) application, PlanD maintained its previous view of not supporting the application.

[Ms Sandy H.Y. Wong, Professor Simon K.L. Wong and Ms Vilian W.L. Sum joined the meeting during PlanD's presentation.]

6. The Chairperson then invited the applicant's representatives to elaborate on the review application.

7. With the aid of a visualiser and a PowerPoint slide, Mr Eric Choy, the applicant's representative, made the following main points:

- (a) he started operating caravan camp sites in Pui O and Tong Fuk on Lantau eight years ago. There was a court case concerning the operation of the caravan camp site in Tong Fuk. The Home Affairs Department (HAD) accused the on-site operators of operating unlicensed caravans under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (HAGAO), yet the Court ruled that the caravans in question were not 'premises' under HAGAO, and HAD's case was not upheld;
- (b) following the court case, he had meetings with HAD. Since he was an overseas Chinese with extensive experience in operating caravan camp sites in the United Kingdom (UK), where caravan camp sites were very popular, and he was also familiar with the UK legislation and regulatory requirements for operating caravan camp sites, he had shared relevant experience and information with HAD. Subsequently, HAD allowed caravan operators to apply for the Guesthouse (Holiday Camp) Licence – Caravan Camp Site

under HAGAO (the Licence). A caravan camp site in Kam Tin operated by him was the first to successfully obtain the Licence and the subject holiday camp site in Heung Yuen Wai was the second. The land in Kam Tin, where his caravan camp site was situated, would be resumed by the Government. The concerned land owner had sold the land to another party and the caravan camp site in Kam Tin had to be closed. Besides, part of the subject holiday camp site in Heung Yuen Wai would be affected and resumed for the proposed Food Control Facilities (FCF) in the New Territories North (NTN) New Development Area (NDA). Government projects would greatly affect his operation of caravan camp sites in Kam Tin and Heung Yuen Wai;

- (c) for the existing holiday camp site in Heung Yuen Wai, he had engaged professionals in 2022 to work out the layout design for the holiday camp site. It was originally intended to accommodate more caravans. Nevertheless, having considered (i) the need to meet the requirements stipulated in the Licence, i.e. the provision of an emergency vehicular access (EVA) and maintaining a minimum 5m-wide separation space between caravans and other structures/buildings; (ii) the intention to provide a good accommodation design with spacious environment for campsite users; (iii) the site constraints of several terraces with sloping ground along the periphery; (iv) the need to avoid tree felling; and (v) the cost-effectiveness issue, the only feasible option was to locate the EVA in the central part of the holiday camp site while placing some caravans outside the “REC” zone (i.e. at the Site zoned “GB”). If all caravans were to be accommodated in the “REC” portion, the EVA would need to be realigned;
- (d) it was difficult to secure land owners’ willingness to lease land for holiday camp use. Land to the south of the holiday camp site was not available. As shown on the drawing displayed on the visualiser, the area coloured red (i.e. the area to the immediate southwest of the holiday camp site) was owned by an indigenous male villager (i.e. “Ding”), who could not be located. That area did not form part of the holiday camp site;
- (e) the applicant had invested over HK\$20 million in the operation of the existing

holiday camp. Any re-arrangement of caravans within the holiday camp site or re-design of the holiday camp site would involve substantial cost and resources, rendering the operation difficult and financially not viable;

- (f) PlanD's representative mentioned that vegetation clearance had been observed at the holiday camp site since 2022. Such vegetation clearance was not conducted by the applicant. When he first entered the holiday camp site in 2022/2023, only thorny plants and red fire ants, which were harmful to campsite users, were cleared or eliminated, and he had grassed the land with high-quality Bermuda grass. No trees were felled. There was no adverse impact on the "GB" zone and the applicant had no intention to damage the "GB" zone;
- (g) the caravans at the Site zoned "GB" were supported by stands with very small footings attached to the ground. The caravans did not touch the ground and the grass beneath them would not be affected. Such design would facilitate the removal of caravans by crane trucks and reinstatement of the Site upon expiry of the temporary planning approval;
- (h) the applicant had obtained the Licence issued by HAD, which covered the western portion of the holiday camp site involving caravans only. Apart from caravans, the applicant had placed, within the holiday camp site, some 'space capsules', which were a newly-emerged camping facility different from caravan as it had no wheels, and therefore required a separate licence from HAD. The applicant had been actively liaising with HAD regarding the issuance of a relevant licence for the operation of 'space capsules';
- (i) since part of the holiday camp site would be resumed by the Government, he had sought assistance from the Development Bureau (DEVB) and asked whether land in the surrounding area could be compensated or some "GB" areas could be rezoned to "REC" for the operation of the holiday camp. DEVB had advised him that planning application could be made for the holiday camp use. According to the Notes of the Ta Kwu Ling North Outline Zoning Plan (OZP) for the "GB" zone, 'Holiday Camp' was a



Column 2 use, which required planning permission from the Board. Under such circumstances, the applicant sought planning permission for temporary holiday camp at the Site zoned “GB”. Since the applied use was only temporary in nature, he requested the Board to grant planning permission; and

- (j) the application for holiday camp use at the Site was in line with the Government’s policy of ‘Tourism is Everywhere in Hong Kong’. The caravan camp site in Kam Tin was a famous tourist spot that had been widely featured on television. The applicant hoped that the holiday camp site in Heung Yuen Wai could also become a popular tourist spot for people to take a break in a green setting.

8. With the aid of a visualiser, Mr Mantic Ng, the applicant’s representative, supplemented that the subject holiday camp was named ‘Park Nature Hillside’. The objective of the holiday camp was to provide quality camping facilities amidst a natural environment for the campsite users to enjoy. Two large and old trees in the holiday camp site were retained. To avoid affecting the trees, the EVA had to be located in the central part of the holiday camp site. Hence, there was no space in the “REC” portion for placing caravans and some had to be placed in the adjoining “GB” site. He hoped that the Board could approve the application.

9. As the presentations of the PlanD’s representative and the applicant’s representatives had been completed, the Chairperson invited questions from Members.

#### *Land Availability in the “REC” Zone*

10. While appreciating the applicant’s efforts in providing caravans as tourism facilities to attract both locals and tourists, a Member asked the applicant’s representatives the reasons for not accommodating the caravans within the “REC” zone.

11. In response, Mr Eric Choy, the applicant’s representative, said that the major reason was that a 4.5m-wide EVA had to be provided to meet the licence requirement for direct access to the caravans. With the EVA located in the central part of the holiday camp site, caravans could only be placed on two sides of the EVA and some caravans had to be placed on the Site zoned “GB”. Apart from this, the layout design of the holiday camp site had to take into

account the location of ingress/egress and the provision of supporting facilities such as staff office. The current layout design was the only feasible option and did not require tree felling and land filling/excavation. The caravans at the Site zoned “GB” were supported by stands with four small concrete footings attached to the ground for each caravan and the concrete footings only occupied less than 1% of the land in the “GB” zone. The small concrete footings were for structural safety purpose. No concrete plates were erected to place the caravans. Indeed, the caravans did not touch the ground and the grass beneath them would not be affected, and hence the green belt was not destroyed. Unlike other uses such as carparks in the surrounding area, the holiday camp was comparatively more compatible with the natural environment.

12. Noting that there was still space within the “REC” portion of the existing holiday camp site, such as the area around the manoeuvring area of the EVA, the same Member and some other Members raised the following questions to the applicant’s representatives:

- (a) why the caravans within the eastern portion of the Site could not be slightly moved westwards and placed within the area next to the manoeuvring area of the EVA within the “REC” zone;
- (b) why the caravans within the western portion of the Site could not be slightly moved eastwards and placed within the “REC” zone;
- (c) why the area to the southwest of the manoeuvring area of the EVA within the holiday camp site could not be used for placing caravans; and
- (d) whether there were other considerations in coming up with the current layout design with extension to the adjoining “GB” zone.

13. In response, Messrs Eric Choy and Mantic Ng, the applicant’s representatives, with the aid of a visualiser, made the following main points:

- (a) for the caravans within the eastern portion of the Site, since the area next to the manoeuvring area of the EVA was the only piece of flat land at the holiday camp site, it was used to locate the staff office for structural safety purpose.

Besides, two large and old trees next to the manoeuvring area of the EVA needed to be retained, and hence that area could not be used for placing caravans;

- (b) the area to the immediate east of the western portion of the Site was sloping ground which could not be used for placing caravans. If caravans needed to be placed on the sloping ground, the natural slope would need to be destroyed to form some flat land;
- (c) the area to the southwest of the manoeuvring area of the EVA was occupied by an underground septic tank and was therefore not suitable for placing caravans; and
- (d) the applicant was required to adhere to the requirement of the Licence that any sides of a caravan facing another caravan or other structures/buildings should have an unobstructed space of at least 5m. If all caravans were placed within the “REC” portion, the holiday camp would become very cramped, failing to achieve the objective of providing spacious activity space and a green environment for the campsite users. Besides, caravans would not be placed in the southern part of the holiday camp site as the land would eventually be resumed by the Government in 2026 for the development of FCF and a new right-of-way along the eastern boundary of the holiday camp site would be constructed with a new ingress/egress at the northeastern corner of the holiday camp site. In addition, the applicant had invested over HK\$20 million in the operation of the existing holiday camp. If those caravans that had already been placed at the Site zoned “GB” were required to be moved, the applicant would need to use crane trucks to lift and relocate them. Other structures that had already been erected at the holiday camp site would also need to be demolished to facilitate the removal of the caravans. This would involve substantial cost and resources. Furthermore, a reduction in the number of caravans would render the business unsustainable.

14. Two Members queried that according to the photos shown by PlanD’s representative, the sloping ground to the immediate east and at the edge of the western portion of the Site, as

indicated by the applicant's representative, was not very steep. It should not be technically infeasible to erect supporting frames for placing caravans in that area. Another Member further said that even if an EVA was required, its design could be adjusted. For example, the manoeuvring area, which was currently in a cul-de-sac design, could be revised to a hammerhead design, thereby releasing more space on two sides of the EVA for placing caravans. In response, Messrs Mantic Ng and Eric Choy, the applicant's representatives, said that re-designing the entire layout of the holiday camp site, including the EVA, would require locating the EVA along the site periphery, which would encroach upon and affect the "GB" zone.

15. Two Members asked PlanD's representatives to provide details of land availability in the "REC" zone. In response, Mr Rico W.K. Tsang, DPO/STN, PlanD, with the aid of some PowerPoint slides, made the following main points:

- (a) to the south of the holiday camp site, there was a large piece of land zoned "REC", including the area to the immediate southwest of the holiday camp site as mentioned by the applicant's representative in paragraph 7(d) above;
- (b) even with the EVA located in the central part of the holiday camp site, there was still space within the "REC" zone to accommodate caravans. For example, the caravans currently placed on the Site zoned "GB" could be moved to the area next to the EVA within the "REC" zone; and
- (c) in a wider context, the "REC" zone on the Ta Kwu Ling North OZP adjoining the Site to the south and to the further east had an area of about 43 ha.

16. Noting that there was about 43 ha of land zoned "REC" adjoining the Site, two Members asked the applicant's representatives whether consideration had been given to utilising the land to the immediate southwest or further east of the holiday camp site in the "REC" zone. In response, Messrs Mantic Ng and Eric Choy, the applicant's representatives, said that the land to the immediate southwest of the holiday camp site was owned by a deceased indigenous male villager with no successors, and thus land transaction could not be made. Besides, much of the 43 ha land in the "REC" zone would be resumed by the Government for other uses. They were unable to rent other land in the "REC" zone as they were not acquainted with any of the concerned land owners.

*Requirement for EVA*

17. Some Members enquired whether there was any requirement for the provision of EVA within the holiday camp site. In response, Mr Rico W.K. Tsang, DPO/STN, PlanD, with the aid of a PowerPoint slide, made the following main points:

- (a) having consulted the Fire Services Department (FSD) and the Office of the Licensing Authority (OLA) of HAD, the provision of EVA was not a mandatory requirement within the holiday camp site;
- (b) FSD advised that if a vehicular access road within 30m of the Site for the accessibility of FSD's appliances could not be provided, additional fire safety requirements, such as fire extinguishers and other fire service installations (FSIs), would be considered on a case-by-case basis;
- (c) the applicant was advised to engage a registered fire service installation contractor in providing appropriate FSIs; and
- (d) it was preliminarily assessed that even if the EVA was relocated to the site periphery as shown in the applicant's photo on the left of Drawing R-1 of the Paper, the EVA would not encroach onto the "GB" zone.

18. On this point, Mr Mantic Ng, the applicant's representative, said that the sloping terrain at the periphery of the holiday camp site constrained the provision of EVA and the applicant had spent HK\$1 million on the water tank. Without an EVA/means of escape, the applicant would not be able to secure a third party risks insurance (public liability insurance) policy for the holiday camp site.

*Operation of the Holiday Camp Site*

19. Some Members raised the following questions to the applicant's representatives:

- (a) whether the land of the subject holiday camp was owned or rented by the

applicant; and if rented, whether the concerned land owner was well informed of the operation of the holiday camp and the planning application for the Site;

- (b) when the applicant started operating the holiday camp;
- (c) noting that only four caravans in the western portion of the holiday camp site had obtained the Licence, why more than four caravans were placed within the holiday camp site and whether the current scale of operation was the applicant's original intention; and
- (d) the uses of the structures/facilities in the southern part of the holiday camp site.

20. In response, Messrs Eric Choy and Mantic Ng, the applicant's representatives, made the following main points:

- (a) the applicant rented the subject holiday camp site. Since the applicant was acquainted with the concerned land owner who had previously planned to operate a camping ground on his land, the land owner rented his land to the applicant for holiday camp use. The applicant had obtained consent from the land owner to make the planning application and the land owner had also introduced a professional planner to the applicant to submit the current application;
- (b) since 2022, the applicant had spent a year to design and develop the holiday camp site and another 1.5 years to apply for relevant licences including the Licence and the Short Term Waiver (STW) issued by the Lands Department. The holiday camp started operation in 2024;
- (c) not all the structures/facilities within the holiday camp site were caravans, and some were 'space capsules'. The current scale of operation reflected the original intention of the applicant and the applicant intended to apply for the Licence in phases. The applicant had first obtained the Licence for placing four caravans in the western portion of the holiday camp site as the

first phase and had been actively liaising with HAD on the licence application for 'space capsules'. When the applicant applied for the Licence for the holiday camp site, OLA of HAD noted that not only caravans but also 'space capsules' were placed within the holiday camp site, and part of the holiday camp site fell within the "GB" zone; and

- (d) in the southern part of the holiday camp site, there were an entrance to the holiday camp, a kitchen, an eating place, three storage rooms, an artificial intelligence teaching room, a public toilet and a stage.

*Area to be Affected by the Proposed FCF*

21. A Member enquired about the exact location and land area to be affected by the proposed FCF. In response, Mr Rico W.K. Tsang, DPO/STN, PlanD, with the aid of a PowerPoint slide, said that based on the preliminary boundary of the proposed FCF, the southern part of the holiday camp site (about 17% of the entire holiday camp site) would be resumed for the proposed FCF development. A possible new access, subject to detailed design, would be provided to the holiday camp site.

22. On this point, Messrs Eric Choy and Mantic Ng, the applicant's representatives, said that while only 17% of the holiday camp site would be resumed, the eating place and activity space were located in the southern part of the holiday camp site, which constituted important components of the holiday camp. The loss of this southern part would render the operation of the holiday camp more difficult.

23. As a related issue, noting that the southern part of the holiday camp site would be resumed and the holiday camp would soon be located next to the FCF, two Members asked the applicant's representatives whether they had considered the prospect of the operation of the holiday camp at the existing location particularly without the kitchen and eating place now provided within the site. In response, Messrs Eric Choy and Mantic Ng, the applicant's representatives, said that they had spent a lot of money in the operation of the holiday camp and did not have additional resources to re-design the camp site or re-arrange the caravans. Since the southern part of the holiday camp site would eventually be resumed by the Government, they hoped that the Board could grant temporary planning permission to facilitate their

continued operation in the coming few years.

*Planning Permission for Holiday Camp Use in “GB” Zone*

24. Noting that ‘Holiday Camp’ was a Column 2 use under the Notes of the OZP for the “GB” zone, some Members enquired about the main criteria for assessing the application for holiday camp use within “GB” zone. In response, Mr Rico W.K. Tsang, DPO/STN, PlanD, with the aid of a PowerPoint slide, made the following main points:

- (a) in assessing the application for holiday camp use within “GB” zone, 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) were relevant. According to TPB PG-No. 10, an application for new development within “GB” zone would only be considered in exceptional circumstances and had to be justified with very strong planning grounds. There was a general presumption against development in a “GB” zone and the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment; and
- (b) for the current application, as mentioned in PlanD’s presentation, vegetation clearance had been observed since 2022 and adverse landscape impact on the existing landscape resources had taken place. While the applicant had proposed ecological/environmental measures in the written representation to minimise impacts on the “GB” zone, no details on those measures had been provided. In view of the above, the applied holiday camp use in the “GB” zone was considered not in line with TPB PG-No. 10 and PlanD did not support the review application. If more information about the mitigation measures with concrete proposals to minimise the impacts on the “GB” zone was provided by the applicant, relevant government departments would be consulted.



25. A Member further asked the applicant's representatives whether they could provide more information regarding the measures to minimise the impacts on the "GB" zone. In response, Messrs Eric Choy and Mantic Ng, the applicant's representatives, said that since the Site was subject to planning enforcement, they did not carry out any landscaping works on the Site at the juncture. Only regular grass mowing was conducted. If the application was approved, they planned to plant some flowering plants at the Site to enhance the scenery. Another Member reminded the applicant's representatives that native/perennial plants should be used in the "GB" site to promote sustainability.

26. Noting that the applicant intended to accommodate a considerable number of caravans and ancillary facilities/structures at the holiday camp site, some Members asked the applicant's representatives whether professionals had been engaged in devising the current layout which extended to the "GB" zone and in preparing the current application. In response, Messrs Eric Choy and Mantic Ng, the applicant's representatives, said that they had engaged professionals for the layout design but were not familiar with the planning requirements. They might misunderstand that placing caravans at the Site zoned "GB" was permissible since the caravans were supported by small stands/footings without disturbing most of the grass and land within the "GB" zone. Upon realising that planning permission from the Board was required for 'Holiday Camp' which was a Column 2 use in the "GB" zone, they submitted the planning application. They had no intention to contravene the legislation and had complied with relevant legislation and regulations, such as obtaining the Licence and STW.

#### *Impacts on the "GB" Zone and Vegetation Clearance*

27. Noting that vegetation clearance occurred at the Site in 2022 and some works such as boundary fencing and drainage channels were observed at/near the Site zoned "GB", some Members asked whether there was any information about the condition of the Site at present and in the past, e.g. the type of vegetation at the Site and the timing of erecting the boundary fence and constructing the drainage channels. In response, Mr Rico W.K. Tsang, DPO/STN, PlanD, with the aid of some PowerPoint slides, made the following main points:

- (a) according to a recent site inspection conducted by PlanD in July 2025, some grass had grown at the Site; and

- (b) according to the aerial photos taken in 2010, 2021 and 2022, the Site was covered with vegetation in 2010 at the time when the draft Ta Kwu Ling North Development Permission Area (DPA) Plan was gazetted, in which land filling clause was incorporated in the Notes of the DPA Plan for the “GB” zone. The Site remained vegetated in 2021 but vegetation clearance was observed in 2022. There was no information at hand regarding the type of vegetation at the Site or the timing of erecting the boundary fence and constructing the drainage channels.

28. On this point, Messrs Eric Choy and Mantic Ng, the applicant’s representatives, said that when they first entered the holiday camp site in 2022/2023, it was observed that the Site was covered with shrubs/grass of several metres in height. They had only cleared the thorny plants and eliminated the red fire ants. The drainage channels were not constructed by them.

#### *Enforcement Action*

29. Two Members asked whether the holiday camp use at the Site was subject to planning enforcement; and if affirmative, under what circumstances enforcement action would be taken.

30. In response, Mr Rico W.K. Tsang, DPO/STN, PlanD, said that the Site largely fell within an active planning enforcement case regarding unauthorised recreation use (including use for holiday camp) and storage use. Should the current application be rejected, the Planning Authority would consider taking further enforcement and prosecution actions against the unauthorized development (UD) at the Site. Should the current application be approved, the Central Enforcement and Prosecution Section of PlanD would revisit the enforcement case to ascertain whether the Site still involved any UD.

31. A Member asked the applicant’s representatives whether the holiday camp at the Site was currently in operation given that the Site was subject to planning enforcement. In response, Mr Eric Choy, the applicant’s representative, said that only the caravans in the western portion of the holiday camp site which fell within the licensing area under the Licence issued by HAD was in operation and accepted reservation. The caravans in the eastern portion of the holiday camp site were currently covered and would not be rented out.

*Others*

32. Noting the Government's policy of 'Tourism is Everywhere in Hong Kong' and that each application should be considered on its individual merits, a Member enquired about the measures adopted or planned by the Government to facilitate tourism and recreational developments.

33. In response, Mr Rico W.K. Tsang, DPO/STN, PlanD, with the aid of a PowerPoint slide, made the following main points:

- (a) while the applicant's efforts in providing caravans as tourism facilities were appreciated, PlanD/the Board should perform the gatekeeper role in assessing/considering applications for use/development within the "GB" zone, taking into account the planning intention of the zone, relevant TPB Guidelines, the justifications provided by the applicant, etc. Each application should be considered on a case-by-case basis; and
- (b) for the subject case, it was considered that the applied holiday camp use was not in line with the planning intention of the "GB" zone which was 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 was no strong planning justification in the submission for a departure from the planning intention of the "GB" zone. The applicant failed to demonstrate why the caravans could not be accommodated within the "REC" zone, where 'Holiday Camp' use was always permitted, and needed to encroach onto the adjoining "GB" zone. In view of the above, PlanD did not support the application.

34. To supplement, Mr C.K. Yip, Director of Planning (D of Plan), made the following main points:

- (a) the Government had adopted a multi-pronged approach to promote tourism and recreational developments. PlanD, as part of the Government, had all along operated in line with relevant policies;

- (b) from plan-making perspective, land was zoned “REC” on OZPs to facilitate tourism and recreational developments for the use of the general public. For instance, about 43 ha of land was zoned “REC” on the Ta Kwu Ling North OZP adjoining the Site and it was estimated that hundreds of hectares of land were zoned “REC” in the New Territories for tourism and recreational developments;
- (c) from planning application perspective, while the applicant’s intention to provide caravans as tourism facilities was acknowledged, permission from the Board was required for the holiday camp use which was under Column 2 for the “GB” zone. Each application should be considered on its individual merits. Apart from the Town Planning Ordinance, the holiday camp use had to conform to other relevant legislation and regulations in terms of building and fire safety standards as well as licensing requirements. PlanD had put in place a pre-application enquiry mechanism. Should applicants have any enquiries about their planning applications, they could seek advice from the respective District Planning Office (DPO) of PlanD. Applicants/proponents could make pre-application enquiry to PlanD for seeking comments from relevant government bureaux and departments (B/Ds) and if required, meeting(s) with participation of other relevant B/Ds could be arranged. The pre-application enquiry mechanism could facilitate applicants/proponents to seek views from relevant B/Ds to better understand their requirements for preparation of planning applications before formal submission; and
- (d) from long-term planning perspective, in line with the Government’s policy of promoting tourism and recreational developments, various planning studies/projects had proposed land for tourism and recreational developments. For instance, some areas in Lau Fau Shan, Tsim Bei Tsui and Pak Nai were proposed for eco-tourism development while some sites in the Hung Hom waterfront areas and the ex-Lamma Quarry area were planned for tourism-related development.

35. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairperson informed the applicant's representatives that the hearing procedure of the review application had been completed and the Board would deliberate on the review application in their absence and inform the applicant of the Board's decision in due course. The Chairperson thanked PlanD's representatives and the applicant's representatives for attending the meeting. They left the meeting at this point.

### Deliberation Session

36. The Chairperson remarked that having considered the applicant's written submissions and its representatives' oral submissions at the meeting, the Board could make a decision to approve or reject the review application. If necessary, the Board could also consider deferring a decision on the review application and requesting the applicant to submit supplementary information such as detailed information on the measures to preserve the character of the "GB" zone and to minimise the impacts on the "GB" zone for the Board's further consideration. Any decision of the Board should have reasonable grounds. She invited views from Members.

37. While noting that the application was a "destroy first, build later" case and agreeing that operating caravans in the "GB" zone without planning permission and in contravention of the Licence, which covered four caravans only, should not be tolerated, some Members opted to or indicated no objection to defer a decision on the review application for the applicant to engage professionals to prepare supplementary information for further consideration of the Board, and they had the following views/observations/suggestions:

- (a) the applicant's efforts in promoting caravan tourism and transforming an unused piece of land into a tourist spot for gainful use were appreciated and the subject holiday camp had been operating in a neat and tidy manner. Besides, the affected land in the "GB" zone was relatively small and mainly covered with weeds, and the holiday camp use might not be incompatible with the "GB" zone with good layout design to respect the greenery environment in the surrounding area. Furthermore, the southern part of the holiday camp site would be resumed by the Government in the near future, which would affect the operation of the holiday camp. Having considered the above and

the Government's policy of promoting tourism and recreational developments, the applicant could be given an opportunity to engage professionals for the preparation of supplementary information for further consideration by the Board;

- (b) for the preparation of supplementary information, the applicant should provide justifications to ascertain the necessity of encroaching onto the "GB" zone and submit detailed information on the measures that would be undertaken to minimise the encroachment onto and impacts on the "GB" zone, as well as to preserve the character of the "GB" zone for the Board's further consideration;
- (c) there might be room to improve the layout design of the holiday camp site. For instance, the EVA within the existing holiday camp site could be adjusted to release space for placing caravans in the "REC" zone with a view to avoiding/minimising the encroachment onto the "GB" zone;
- (d) 'Holiday Camp' was a Column 2 use under the "GB" zone and the prevailing planning application mechanism was indeed a means for the applicant to obtain planning permission from the Board to use the Site for a holiday camp. In view that the applicant might lack professional assistance in preparing the current application, the applicant should engage professionals to prepare the necessary information;
- (e) there were no hard and fast rules on what the applicant could have done for the approval of the application. Given that there was a general presumption against development in the "GB" zone, there might be query as to whether applications for recreational use such as the subject holiday camp use in the "GB" zone would normally be rejected;
- (f) sympathy was expressed to the applicant as the applicant might not possess the knowledge about the information that was required for planning application;

- (g) it could not be ascertained that whether the applicant was misled by the consultants that planning permission was not required for the 'Holiday Camp' use within "GB" zone or whether the applicant intentionally operated the holiday camp at the Site zoned "GB" without planning permission;
- (h) while the Board could defer a decision on the application pending the submission of supplementary information by the applicant, there were concerns about whether the applicant and/or its consultants were competent to provide strong justifications and sufficient information to support the application;
- (i) it might be helpful if the DPO of PlanD could provide assistance to the applicant to explain the Board's concerns, including the importance of preserving the "GB" zone and any measures that could be undertaken by the applicant to mitigate the impacts on the "GB" zone in the submission of supplementary information;
- (j) in line with the Government's policy of promoting tourism and recreational developments, it was worthwhile for the Government/PlanD to facilitate private sector participation in tourism and recreational developments. The pre-application enquiry, as mentioned by D of Plan, was an effective mechanism to facilitate the processing of applicants' development projects, but not all applicants/proponents were apprised of such mechanism. PlanD could consider stepping up publicity on the mechanism to facilitate applicants' clear understanding of the requirements in preparation of planning applications; and
- (k) it appeared that the applicant's primary concern in seeking planning permission for the Site was to sustain the financial viability of supporting the continued operation of the holiday camp as a whole.

38. The Vice-chairperson and some other Members considered that the review application should be rejected and they had the following views/observations/suggestions:

- (a) the applicant failed to demonstrate why caravans could not be accommodated within the “REC” zone, given that land was still available within the “REC” portion of the existing holiday camp site where ‘Holiday Camp’ was always permitted and no land filling/excavation clause was incorporated. This meant that site formation works and erection of supporting frames for placing caravans were permitted under the “REC” zone;
- (b) when considering the s.16 application of the subject case, RNTPC was of the view that there was space to accommodate the caravans in the holiday camp site zoned “REC”. Section 17 (s.17) review application was indeed a channel for the applicant to submit supplementary information to justify its case for the Board’s review of the RNTPC’s decision. The applicant, however, had not provided any substantive information to support the review application at the s.17 stage that the caravans had to be located in the “GB” zone. Besides, it was not technically infeasible to place caravans within the “REC” portion of the holiday camp site with adjusted design of the supporting frames given that the terrain within the holiday camp site was not very steep, and the EVA might not be required or there could be alternative design of EVA to spare space for locating caravans within the “REC” portion of the holiday camp site. As such, the review application should not be approved as there was no strong planning justification in the submission for a departure from the planning intention of the “GB” zone, even on a temporary basis;
- (c) while acknowledging that the applicant had invested a lot in purchasing the caravans, and re-designing of the holiday camp site and re-arrangement including lifting and removing of the caravans and other structures/facilities within the holiday camp would have cost and resource implications, in any event, financial situation of the applicant and financial viability of the proposal should not be key considerations in assessing a planning application;
- (d) the current holiday camp operation was a “destroy first, build later” case which should not be encouraged. It also did not conform to the Licence, under which only four caravans were permitted within the holiday camp site. Breaches of the law should not be tolerated;



- (e) approval of the application would set an undesirable precedent for other similar applications. It would send the wrong message to the applicants of other similar applications that they could first operate and only make the planning applications later and in the subject case, extending the holiday camp operation into the “GB” zone/developing the “GB” zone would appear to have no consequence. This would nullify the statutory planning control mechanism;
- (f) the applicant failed to justify that there were no adverse impacts on the “GB” zone and the current holiday camp site had already intruded into the “GB” zone. Approval of the application might alter the landscape character of the “GB” zone and would further degrade the landscape quality of the “GB” zone. The Board should take into account the original condition of the Site (i.e. with vegetation cover), not the current condition of the Site (i.e. after vegetation clearance) when considering the application;
- (g) deferring a decision on the application pending the applicant’s submission of supplementary information might convey the wrong message to the applicant that the application would likely be approved if further information was submitted. It was doubtful if Members’ concerns could be addressed by providing supplementary information as there might require a change of layout and reduction in scale, which should better be dealt with through submission of a fresh s.16 application;
- (h) it was not sure whether the applicant or its consultants had prior knowledge that planning permission was required for the ‘Holiday Camp’ use within the “GB” zone but they still extended the holiday camp operation into the “GB” zone without planning permission. While the Board could defer a decision on the application pending the submission of supplementary information by the applicant, it was doubtful whether the applicant and/or its consultants could provide sufficient information to justify the case; and
- (i) there were concerns on whether the applicant would be informed of the

Board's major considerations in assessing the application. To facilitate the applicant to submit a fresh s.16 application in future, the applicant should be advised to take note of the Board's major issues of concern, including why the caravans could not be accommodated in the "REC" portion of the holiday camp site and why the caravans had to be located in the "GB" zone. Besides, detailed information, such as concrete proposals on the measures to preserve the character of the "GB" zone, and/or technical reviews or assessments of the potential environmental and ecological impacts on the "GB" zone as well as compensation/mitigation measures, should be included in the fresh s.16 application, if submitted.

39. To supplement, Mr C.K. Yip, D of Plan, made the following main points:
- (a) according to the general practice of the Board, the Board could defer a decision on the application on its own volition. Generally speaking, the Board could defer a decision on planning applications under the following circumstances: (i) important supplementary information, which was essential for a fair and proper determination of the planning applications by the Board, was not available but was required to be provided by B/Ds or the applicants; or (ii) for those cases which were marginal in nature, if the applicants could submit further information to address the outstanding issue(s), e.g. minor refinement to the proposals, those applications might be favourably considered by the Board;
  - (b) should the Board decide to defer a decision on the application, the Board should give reason(s) for the deferment and set out clearly the issues of concern of the Board and the type of further information that was required to be submitted to the Board. The Board should avoid sending the wrong message to the applicant that there would be a high chance of approval simply upon the submission of the required information. For the subject case, the major concerns of the Board were that the applicant failed (i) to provide justifications for not accommodating the caravans within the "REC" portion of the holiday camp site but instead extending the holiday camp use to the Site zoned "GB"; (ii) to demonstrate that the required "GB" area was

minimised; and (iii) to give sufficient information/concrete proposals about the measures to preserve the character of the “GB” zone and minimise/mitigate the impacts on the “GB” zone;

- (c) each application should be considered on its individual merits. All relevant factors, including but not limited to, planning intention of the zone, nature and scale of the applied use, history of the site, current and previous site conditions (e.g. whether vegetation clearance had taken place), potential impacts of the applied use on the surrounding areas, relevant TPB Guidelines, technical issues, and departmental and public comments, should be holistically taken into account when considering the application. While sympathetic consideration might be given where appropriate, the applicant’s personal hardship should not be accorded undue weighting in the consideration of the application;
- (d) regarding a Member’s enquiry on whether applications for recreational use such as holiday camp use in “GB” zone would normally be rejected, there were some approved similar applications for recreational use in “GB” zone in the past and each application should be considered on its individual merits; and
- (e) as regards some Members’ concerns on whether the Board’s major considerations in assessing the application would be conveyed to the applicant, key points of discussion and issues of concern of the Board would be recorded in the minutes of meeting for the applicant’s reference. DPO of PlanD could also assist in explaining the issues of concern of the Board to the applicant if necessary.

40. The Chairperson made the following remarks:

- (a) the Site and its surrounding “REC” and “GB” sites were located within the boundary of the proposed NTN NDA, and all land within the NTN NDA boundary would eventually be resumed and cleared by Government for development in phases;

- (b) the applied holiday camp use was generally in line with the Government's policy of promoting tourism and recreational developments;
- (c) 'Holiday Camp' was a Column 2 use under the "GB" zone and planning application could be made by the applicant to seek the Board's approval for using the Site for holiday camp. Some similar applications for holiday camp use in "GB" zone had been approved in the past, taking into account the circumstances of individual cases; and
- (d) regardless of whether the Board decided to reject or defer a decision on the application, justifiable reasoning should be given to the applicant. While the applied holiday camp was a "destroy first, build later" case, it was not the Board's practice to reject an application merely on the consideration of "destroy first, build later" as there should be a clear distinction between the undertaking of planning enforcement actions and the processing of planning applications. Besides, to do otherwise would render even a fresh s.16 application meaningless as it would eventually be rejected on the same ground. In considering the application, Members should conduct a balanced and comprehensive assessment of all relevant considerations, including those mentioned in paragraphs 40(a) and 40(b) above, and make an independent judgment on the application based on its own merits. The Board's decision should be well-grounded and justified.

41. Members had no further points to make. As Members had divided views, the Chairperson suggested that the Board should cast a vote on whether the review application should be approved, rejected or deferred. The Chairperson said that voting would be conducted by means of a show of hands. All official and non-official Members should have a right to vote, and Members should judge for themselves whether they were in a position to vote, and if not, they might abstain from voting. After voting, no Member supported approval of the review application, and more Members voted for rejection than for deferral.

42. The Chairperson concluded that more Members considered that the review application should be rejected rather than deferred pending submission of supplementary

information to substantiate the case by the applicant. Members did not support the review application mainly on the considerations that the applicant failed to demonstrate why the caravans could not be accommodated within the “REC” portion of the existing holiday camp site and why the holiday camp operation had to extend to the adjoining “GB” zone. Given the above, there was no strong planning justification in the submission for a departure from the planning intention of the “GB” zone, even on a temporary basis. The applicant should be informed of the views and issues of concern of the Board as detailed in paragraphs 37 and 38 above. The applicant should first duly consider whether the current layout design could be adjusted to avoid encroaching onto the “GB” zone. If encroachment onto the “GB” zone was unavoidable after review by the applicant and the applicant chose to submit a fresh s.16 application, the applicant should provide strong justifications for the holiday camp use in the “GB” zone. The applicant should also provide detailed information such as concrete proposals about the measures to preserve the character of the “GB” zone and minimise/mitigate the impacts on the “GB” zone. DPO of PlanD could provide necessary assistance to the applicant, such as explicating the issues of concern of the Board and advising the applicant to make pre-application enquiry/submission.

43. After deliberation, the Board decided to reject the application for the following reason:

“ the applied use is not in line with the planning intention of the “Green Belt” 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. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.”

[Mr Timothy K.W. Ma left the meeting during deliberation.]

**Fanling, Sheung Shui and Yuen Long East District**

**Agenda Item 4**

[Open Meeting]

Consideration of the Draft Planning and Design Brief for Sites Zoned “Other Specified Uses” annotated “Innovation and Technology” on San Tin Technopole Outline Zoning Plan (TPB Paper No. 11017)

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[The item was conducted in Cantonese.]

44. In view of the overrun in the meeting schedule, the Chairperson suggested and Members agreed that consideration of the item be rescheduled to the next meeting on 29.8.2025.

**Agenda Item 5**

[Open Meeting]

**Any Other Business**

[The item was conducted in Cantonese.]

45. There being no other business, the meeting was closed at 12:35 p.m.