

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/848

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| <u>Applicant</u> | : Mr. YEUNG Yun Yau |
| <u>Site</u> | : Lots 1442 and 1444 RP in D.D. 76 and adjoining Government Land (GL), Sha Tau Kok Road, Fanling, New Territories |
| <u>Site Area</u> | : About 1,600m ² (including GL of about 190m ² or about 12% of the Site) |
| <u>Lease</u> | : Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19 |
| <u>Zoning</u> | : “Agriculture” (“AGR”) |
| <u>Application</u> | : Renewal of Planning Approval for Temporary Training Centre (Adventure Training Centre) for a Period of Three Years |

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for temporary training centre (adventure training centre) for a further period of three years. The Site falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the covering notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within the “AGR” zone requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission until 11.6.2025 (**Plans A-4a and A-4b**).
- 1.2 The Site abuts Sha Tau Kok Road – Ma Mei Ha to the northwest (**Plan A-2**). According to the applicant, the applied use is for a training centre providing adventure trainings programmes for the community. It involves eight temporary structures, namely two open sheds for wall climbing, rope net and high wall activities (Areas A & B), one enclosed structure for toilet use (Area C), as well as five container-converted structures for store rooms, activity rooms, ancillary offices and meeting rooms (Areas D1 to D5) with building heights ranging from 2.6m to 8m and a total floor area of about 396.5m² (**Drawing A-1**). Three sets of outdoor facilities are erected in the open area of the Site for rope net and climbing activities (Areas E1 to E3) (**Plans A-4a and A-4b**).

- 1.3 The operation hours of the applied use are from 7:00 a.m. to 7:00 p.m. daily¹, including Sundays and public holidays. The applicant states that not more than 80 participants would visit the Site at one time, whilst not more than 11 staff members would be stationed during the class. Participants are required to make appointment prior to visiting the Site. No car parking and loading/unloading facilities are provided within the Site. No tree felling will be involved, and all the existing trees on-site will be preserved. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.4 The Site is the subject of five previously approved applications (No. A/NE-LYT/413, 504, 591, 692 and 763) for the same use submitted by the same applicants² including the current applicant. Details of the previous applications are set out in paragraph 6 below. The last application (No. A/NE-LYT/763) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 10.6.2022 with validity up to 11.6.2025. All the approval conditions have been complied with. Compared with the last approved application, the applied use, site area/boundary, layout and major development parameters of the current application remain the same.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with Attachments received on 17.4.2025 **(Appendix I)**
 - (b) Supplementary Information (SI) received on 28.4.2025 **(Appendix Ia)**
 - (c) Further Information (FI) received on 22.5.2025[^] **(Appendix Ib)**
 - [^] *accepted and exempted from the publication and recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FI at **Appendices I to Ib**, as summarised below:

- (a) the adventure training centre is to provide youngsters, students and different community groups a venue with safe and challenging facilities for educational and training purposes. It can help the participants to have more exposure and experience in life education;
- (b) the adventure training programme mentored by experienced trainers could help meet the education and training needs of school and education institutions, nurturing more qualified trainers for the community;
- (c) the continued use of the Site for an adventure training centre could fully utilise the land resources. Besides, the existing landscape resources within the Site could be preserved, maintaining the rural landscapes characters of the area; and

¹ According to the applicant, the adventure training programme would normally be scheduled between 9:00 a.m. and 5:00 p.m.

² Applications No. A/NE-LYT/413, 504, 591, 692 and 763 were all submitted by Messrs. YEUNG Lam, YEUNG Yun Yau, YEUNG Wai Ming and YEUNG Wai Lun.

- (d) there is no change in the layout and major development parameters as compared with the last application (No. A/NE-LYT/763). All approval conditions have been complied with. In support of the current application, drainage and FSIs proposals with corresponding condition records and certificate of fire service installations and equipment (FS251) are submitted.

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 sending request for consent to the current land owners of the Site and publishing notices in local newspapers. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent/Notification” requirements are not applicable.

4. Town Planning Board Guidelines

Town Planning Board Guidelines No. 34D on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

5. Background

The Site is currently not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 The Site is the subject of five previous applications (No. A/NE-LYT/413, 504, 591, 692 and 763) for the same use submitted by the same applicants including the current applicant. These applications were approved with conditions by the Committee between 2010 and 2022 mainly on the considerations that the applied use would not frustrate the long term planning intention of “AGR” zone; it was not incompatible with the surrounding areas; no significant adverse traffic, environmental and drainage impacts on the surrounding areas were anticipated; and/or it generally complied with the relevant TPB guidelines for renewal of planning approval for temporary use or development.
- 6.2 Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 There were two similar applications (No. A/NE-LYT/739 and 822) involving the same site for temporary golf training centre within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**). Both applications were

approved with conditions by the Committee in 2021 and 2024 respectively mainly on the similar considerations as detailed in paragraph 6.1 above.

- 7.2 Details of the applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

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

8.1 The Site:

- (a) is hard-paved³, fenced off and currently used for the applied use with valid planning permission; and
- (b) abuts Sha Tau Kok Road – Ma Mei Ha to the northwest.

- 8.2 The surrounding areas mainly comprise village houses/domestic structures, public vehicle park (PVP), workshop, storage yards, active/fallow farmlands and vacant/unused land covered by tree groups or vegetation. To the immediate east is a site covered by planning permission for open storage and warehouse use under application No. A/NE-LYT/816. To the north across Sha Tau Kok Road – Ma Mei Ha is the village proper of Hung Leng zoned “Village Type Development” on the approved Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/14.

9. Planning Intention

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.

10. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices V** and **VI** respectively.

11. Public Comments Received During Statutory Publication Period

On 29.4.2025, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix VII**). Two comments from the Vice-Chairman of Fanling District Rural Committee, Indigenous Inhabitant Representative and Resident Representative of Hung Leng object to the application mainly on the grounds that the applied use is not in line with the long term planning intention of “AGR” zone; the applied use with occupation of GL for profit is considered undesirable from public interest perspective; there are concerns regarding the

³ According to record, the Site zoned “AGR” has been largely hard-paved before the date of imposing a land filling clause pertaining to the zone under the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/10 gazetted on 29.4.2005.

on-street parking problem at the street frontage of the Site that could lead to pedestrian safety issues in the vicinity; and the applied use would induce noise nuisance on the surroundings. The remaining two comments from a member of North District Council and the Chairman of Lung Shan Area Committee indicate no comment on the application.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning permission for temporary training centre (adventure training centre) for a further period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, the Director of Agriculture, Fisheries and Conservation has no strong view against the application from agricultural perspective. Taking into account the planning assessment below, there is no objection to the applied use on temporary basis for a further period of three years.
- 12.2 The Site is hard-paved, fenced off and currently used for the applied use with valid planning permission (**Plans A-4a** and **A-4b**). It is considered not incompatible with the surroundings areas which mainly comprise village houses/domestic structures, PVP, workshop/warehouse yards, active/fallow farmland and vacant/unused land covered by tree groups or vegetation (**Plans A-2** and **A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application from landscape planning perspective as significant adverse impact on the landscape resources within the Site arising from the applied use is not anticipated. The Director of Environmental Protection has no objection to the application from environmental perspective, and advises that no environmental complaint case related to the Site was received over the last three years. Should the application be approved, the applicant will also be advised to follow the requirements of the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimise the possible environmental nuisance on the surroundings.
- 12.3 Concerned government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) have no objection to or no adverse comment on the application. In support of the current application, the applicant has submitted drainage and FSIs proposals with corresponding condition records of the existing drainage facilities and FS 251. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Besides, as the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application. Regarding District Lands Officer/North of Lands Department’s (DLO/N, LandsD) concern on the unauthorised structures erected within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.4 The application generally complies with the TPB PG-No. 34D in that there has

been no material change in planning circumstances since the approval of the last application (No. A/NE-LYT/763); all the approval conditions under the last application have been complied with; and the approval period sought which is the same as the last approval granted by the Committee is not unreasonable.

- 12.5 The Site is the subject of five previously approved applications for the same applied use as detailed in paragraph 6 above. Besides, there were two approved similar applications in the same “AGR” zone as detailed in paragraph 7 above. The planning circumstances of the current applications are similar to those approved previous and similar applications. As such, approval of current application is in line with Committee’s previous decisions.
- 12.6 Regarding the public comments as detailed in paragraph 11 above, the government departments’ comments and planning assessments 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 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 three years and be renewed from 12.6.2025 until 11.6.2028. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) if the above planning condition (a) 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
- (c) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials, and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Appendix VI**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:

the applied use is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such 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 the 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

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| Appendix I | Application Form received on 17.4.2025 |
| Appendix Ia | SI received on 28.4.2025 |
| Appendix Ib | FI received on 22.5.2025 |
| Appendix II | Relevant Extract of TPB PG-No. 34D |
| Appendix III | Previous Applications |
| Appendix IV | Similar Applications |
| Appendix V | Government Departments' General Comments |
| Appendix VI | Recommended Advisory Clauses |
| Appendix VII | Public Comments |
| Drawing A-1 | Site Layout Plan |
| 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
JUNE 2025**