

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/FLN/29

- Applicant** : Liu Lok Ye Tso (Manager: Liu Yuk Wah, Liu Sai Hung, Liu Yau Choi)
represented by R-riches Property Consultants Limited
- Site** : Lots 76 (Part) and 79 RP (Part) in D.D. 52, Fanling, New Territories
- Site Area** : About 1,892m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Fanling North Outline Zoning Plan (OZP) No. S/FLN/2
- Zonings** : (i) “Government, Institution or Community” (“G/IC”)
(about 1,876m² or 99% of the Site)
(ii) “Agriculture” (“AGR”)
(about 16m² or 1% of the Site)
- Application** : Temporary Holiday Camp for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a temporary holiday camp for a period of 3 years at the application site (the Site). The Site falls within an area largely zoned “G/IC” with a minor portion on the “AGR” zone on the approved Fanling North Outline Zoning Plan (OZP) No. S/FLN/2. According to the Notes of the OZP, ‘Holiday Camp’ in the “G/IC” zone is a Column 2 use requiring planning permission while temporary use or development of any land or building not exceeding a period of three years within “AGR” zone also requires planning permission from the Town Planning Board (the Board) notwithstanding that the use is not provided for under the Notes of the OZP. The Site is currently being used for holiday camp without any valid planning permission.
- 1.2 The Site is accessible via a local track branching off from Fu Tei Au Road (**Plan A-1**). According to the applicant, the holiday camp can accommodate 7 tent camping sites for a maximum of 30 visitors. Besides, the development involves the erection of 5 single-storey temporary structures with a total floor area of 39m² and building height of about 3m for storage of camping goods, site office,

washroom and changing room purposes. A total of 4 staff members will be working at the Site. A total of 8 private car parking spaces and 1 loading/unloading space for light goods vehicles are provided at the Site (**Drawing A-1**). The operation hours (with stationed staff) are between 9:00 a.m. and 6:00 p.m. daily (except for overnight tent camping activities). The layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with attachments received on 21.3.2022 (**Appendix I**)
- (b) Further Information (FI) received on 13.5.2022 (**Appendix Ia**)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I and Ia** respectively as summarized below:

- (a) holiday camp use could meet the demand for local holiday camping activities due to the travel restrictions of COVID-19;
- (b) it is temporary in nature and would not affect the long-term planning intention of the “G/IC” and “AGR” zones;
- (c) the applied use would not create significant adverse traffic, environmental, landscape, drainage, sewerage and noise impacts to the surrounding areas. Adequate mitigation measures would be provided to minimize nuisance to the existing environment should the planning approval be given by the Board; and
- (d) the Site would be surrendered unconditionally upon government’s request to facilitate the implementation of Fanling North New Development Area (FLN NDA) even during the planning approval period.

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.31A) by taking reasonable steps to give notification to the owner including sending notice to the Sheung Shui District Rural Committee by registered mail and posting notice at the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

- 4.1 The Site falls within the boundary of Remaining Phase of the Kwu Tung North (KTN)/FLN NDA development. According to Civil Engineering and Development Department (CEDD), the site formation and infrastructural works for the Remaining Phase will commence in mid-2024 tentatively.
- 4.2 The Site is currently not a subject of any active enforcement case.

5. Previous Application

There is no previous application in respect of the Site.

6. Similar Application

There is no similar application for temporary ‘Holiday Camp’ use within the same “G/IC” and “AGR” zones on the OZP.

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

- 7.1 The Site is:
- (a) currently used for the applied use without valid planning permission; and
 - (b) accessible from Fu Tei Au Road via a local track.
- 7.2 The surrounding areas are predominantly rural in character intermixed with active/fallow agricultural land, domestic structures and unused land:
- (a) to the north are active/fallow agricultural land and a cluster of domestic structures;
 - (b) to the east is an existing nullah. To the further east across the nullah are active/fallow agricultural land, unused land and an open storage yard;
 - (c) to the south are unused land and Ng Tung River; and
 - (d) to the west are some ponds with some temporary domestic structures and fallow agricultural land.

8. Planning Intentions

- 8.1 The planning intention of the “G/IC” zone is primarily for the provision of government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the

government, organisations providing social services to meet community needs, and other institutional establishments. There is no designated use for the “G/IC” zone at present.

- 8.2 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.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices II and III** respectively.
- 9.2 The following government departments have concerns / adverse comments on / objection to the application.

Future Development

- 9.2.1 Comments of the Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD):

The Site falls within the KTN/FLN NDA Remaining Phase, which shall be cleared and handed over to the KTN/FLN NDA Remaining Phase project for implementation of the site formation and construction works in mid-2024 according to the current programme.

Agriculture and Nature Conservation

- 9.2.2 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):
- (a) the agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the development proposal falling within the "AGR" zone is not supported from agricultural point of view; and
 - (b) from nature conservation point of view, DAFC has no comment on the application.

10. Public Comments Received During Statutory Publication Period (Appendix IV)

The application was published for public inspection. During the statutory public inspection period, a total of 2 public comments were received. The Chairman of Sheung Shui District Rural Committee has no comment on the application. An individual raises objection to the application mainly on the grounds that the applicant does not provide sufficient information to support the holiday camp use; and the holiday camp would cause adverse traffic and environmental impacts to the surrounding areas.

11. Planning Considerations and Assessments

- 11.1 The application is for a temporary holiday camp for a period of three years at the Site largely zoned “G/IC” (about 99%) with a very minor portion zoned “AGR” (**Plan A-1**). The planning intention of the “G/IC” zone is primarily for the provision of government, institution or community facilities, whereas the “AGR” zone is intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. Although the applied use is not entirely in line with the planning intention of the “G/IC” zone, there is currently no designated GIC use at the Site. DAFC does not support the applied use falling within the “AGR” zone as the Site has potential for agricultural rehabilitation, but the holiday camp is temporary in nature and only a very small portion falling within the “AGR” zone (i.e. 16m² / 1%). It is considered that approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intentions of the “G/IC” and “AGR” zones.
- 11.2 The applied use consisting of 7 tent camping sites and 5 single-storey temporary structures with a total floor area of 39m² is considered not incompatible with the surrounding environment which is predominantly rural in character intermixed with active/fallow agricultural land, unused land and domestic structures (**Plan A-2**). CTP/UD&L of PlanD considers that significant adverse landscape impact arising from the applied use is not anticipated. In this regard, she has no objection to the application from the landscape planning perspective.
- 11.3 According to the applicant, 8 private car parking spaces will be provided within the Site. C for T has no comment on the application from traffic engineering point of view. Relevant government departments consulted, including CE/MN of DSD, CE/C of WSD, DEP and D of FS, have no adverse comment on or no objection to the application. It is anticipated that the applied use would not have significant adverse traffic, drainage, environmental and fire safety impacts on the surrounding areas. The technical requirements of CE/MN of DSD and D of FS could be addressed by appropriate approval conditions in paragraphs 12.2 (a) to (d) below. Moreover, the applicant will be advised to observe the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” and Water Pollution Control Ordinance in order to alleviate any potential environmental impact. Since the construction works of KTN/FLN NDA Remaining Phase will commence in mid-2024 tentatively, should the application be approved, an advisory clause stating that the Site may be reverted to government at any time during the planning approval period for the implementation of government projects will be included (**Appendix III**).

- 11.4 Regarding the public comments on the application as detailed in paragraph 10 above, government departments' comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 20.5.2025. The following conditions of approval and advisory clauses are also 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 20.11.2022;
- (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 20.2.2023;
- (c) the submission of a fire service installations 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 20.11.2022;
- (d) in relation to (c) above, the implementation of the 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 20.2.2023; and
- (e) if any of the above planning conditions (a), (b), (c) 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.

Advisory Clauses

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

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

the occupation of the Site for holiday camp is not in line with the planning intentions of the "G/IC" zone which is primarily for the provision of government, institution or community facilities serving the needs of the local residents and/or

a wider district, region or the territory and to provide land for uses directly related to or in support of the work of the government, organisations providing social services to meet community needs, and other institutional establishments, and the “AGR” zone which 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. No strong planning justification has been given in the submission for a departure from the planning intentions of the “G/IC” and “AGR” zones, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form with attachments received on 21.3.2022
Appendix Ia	FI received on 13.5.2022
Appendix II	Government departments’ general comments
Appendix III	Recommended advisory clauses
Appendix IV	Public comments
Drawing A-1	Layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos