

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-LK/162**

<b><u>Applicant</u></b>	:	汽車露營(香港)有限公司 represented by Mr. WONG Cheuk Ki
<b><u>Site</u></b>	:	Lots 2452 S.B (Part) and 2467 (Part) in D.D. 39 and Adjoining Government Land (GL), Shek Chung Au, Sha Tau Kok, New Territories
<b><u>Site Area</u></b>	:	About 3,359m <sup>2</sup> (including about 95m <sup>2</sup> of GL, or about 3% of the Site)
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Luk Keng and Wo Hang Outline Zoning Plan (OZP) No. S/NE-LK/11
<b><u>Zoning</u></b>	:	“Village Type Development” (“V”)
<b><u>Application</u></b>	:	Proposed Temporary Holiday Camp (Private Tent Camping Ground) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary holiday camp (private tent camping ground) for a period of three years at the application site (the Site) which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the “V” zone requires planning permission from the Town Planning Board (the Board). The Site is largely vacant with a few tents and covered with grass.
- 1.2 According to the applicant, the proposed use will provide 16 tent spaces with a farming area, and involves seven structures with a total floor area of about 284m<sup>2</sup>, comprises (i) a single-storey structure for reception with a height of about 4.5m and a floor area of about 40m<sup>2</sup>; (ii) a single-storey farm tools and camping equipment storage with a height of about 4.5m and a floor area of about 70m<sup>2</sup>; (iii) three single-storey toilets with a height of about 4.5m and a floor area of about 18m<sup>2</sup> each; (iv) a single-storey ancillary office with a height of about 4.5m and a floor area of about 60m<sup>2</sup>; and (v) a single-storey activity room with a height of about 4.5m and a floor area of about 60m<sup>2</sup>. The proposed operation hours are 24 hours daily including public holidays. The proposed layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 The Site is accessible to Sha Tau Kok Road – Shek Chung Au via an access road (**Plan A-1**). Ten private car parking spaces and a pick-up/drop-off layby for light bus will be provided. According to the applicant, a first-come-first-served booking system will be adopted for the 16 tent spaces and the ten car parking spaces, and no walk-in visitors will be allowed. Only private cars and light bus with pre-registered plate number will be

allowed to enter the Site. To ensure no queuing of vehicle outside the Site, staff will be deployed to manage the traffic entering and leaving the Site. Warning sign will be erected at the Site's ingress/egress to ensure pedestrian's safety. The light bus to be arranged by the visitors is expected to leave the Site after drop-off/ pick-up of visitors.

- 1.4 There are watercourses to the north and the south of the Site (**Plan A-2**). The applicant advises that no showering or carwashing activities will be permitted at the Site, and sewerage generated from the proposed use will be collected and disposed on a weekly basis. In addition, signage will also be erected to alert visitors to stay away from the watercourses. No public announcement system, portable loudspeaker or any form of audio amplification system will be allowed to be used at the Site at any time.
- 1.5 The Site falls within Sha Tau Kok Shek Kiu Tau Site of Archaeological Interest (SAI), and is located in the vicinity of two Grade 3 Historic Buildings, namely (i) Law Uk, Shek Chung Au and (ii) Law Uk, Ancillary Block, Shek Chung Au. The applicant advises that only minor excavation for drainage works using hand tools will be involved. The applicant also submitted a drainage proposal in support of the application (**Appendix I**).
- 1.6 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on 1.8.2024 (**Appendix I**)
  - (b) Further Information received on 26.8.2024 and 28.8.2024\* (**Appendix Ia**)
  - (c) Further Information received on 12.9.2024\* (**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 and FI at **Appendices I to Ib** and are summarized below:

- (a) the proposed use offers the public a place to enjoy the nature with healthy outdoor activities; and
- (b) the proposed use involves little change of the Site and is compatible with the surrounding areas. The applicant will apply Short Term Waiver (STW) and Short Term Tenancy (STT) to the Lands Department (LandsD) for the temporary structures and GL at the Site.

## **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 notifying a “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, TPB PG-No.31B is not applicable.

## **4. Background**

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

## **5. Previous Application**

- 5.1 The Site is part of the subject of a previous application (No. A/NE-LK/119) submitted by a different applicant for proposed temporary open storage of building materials and ancillary office for a period of three years, which was rejected by the Board on review on 13.9.2019. The previous application is considered not relevant to the current application.
- 5.2 Details of the previous application are summarized at **Appendix II** and its location is shown on **Plan A-1**.

## **6. Similar Application**

There is no similar application within the same “V” zone in the vicinity of the Site in the Luk Keng and Wo Hang area in the past five years.

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

- 7.1 The Site is:
- (a) largely vacant with a few tents and covered with grass; and
  - (b) accessible to Sha Tau Kok Road – Shek Chung Au via an access road.
- 7.2 The surrounding areas are of rural character mainly comprising vacant land, domestic structures and temporary structures. A camping site is located to its west. There are watercourses to the north and the south of the Site.
- 7.3 The Site falls within falls within the Sha Tau Kok Shek Kiu Tau SAI. Two Grade 3 historic buildings, namely (i) Law Uk, Shek Chung Au and (ii) Law Uk, Ancillary Block, Shek Chung Au, are located to the northeast of the Site.

## **8. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

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

- 9.1 Apart from the government departments as set out in paragraph 9.2 below, other 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 at **Appendices III** and **IV** respectively.

9.2 The following government departments object to the application:

Land Administration

9.2.1 Comments of the District Lands Officer/North, LandsD (DLO/N, LandsD):

- (a) objects to the application;
- (b) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No right of access via GL is granted to the Site;
- (c) the following irregularities covered by the subject planning application have been detected by her office:

Unauthorised structures within the said private lots covered by the planning application

there are unauthorised structures on the private lot. The lot owner should immediately rectify the lease breaches and her office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

Unlawful occupation of GL adjoining the said private lots covered by the planning application

the GL within the Site (about 95m<sup>2</sup> as mentioned in the application form) has been fenced off without any permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. Her office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (d) the following irregularities not covered by the subject planning application has been detected by this office:

Unlawful occupation of GL not covered by the planning application

the GL adjoining the said private lots has been fenced off without permission. The GL being illegally occupied is not included in the application. Any occupation of GL without Government's prior approval is an offence under Cap. 28. Her office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (e) the lot owner/applicant shall either (i) cease the illegal occupation of the GL not covered by the subject planning application immediately; or (ii) include the adjoining GL being illegally occupied in the subject planning application for the further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to her office for a STW and STT to permit the structures erected/to be erected and the occupation of GL. The applications for STW and STT will

be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of back-dated waiver fee/rent from the first date of the detection of the unauthorised structures/occupation of GL and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL. Besides, given the proposed use is temporary in nature, only erection of temporary structures will be considered;

- (f) unless and until the unlawful occupation of GL is duly rectified by the lot owners/applicant or entirely included in the subject planning application, her office objects to the application and it must be brought to the attention of the Board when they consider the application; and
- (g) no Small House application in respect of the Site has been received.

### Environment

#### 9.2.2 Comments of the Director of Environmental Protection (DEP):

- (a) according to the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (the COP), the application should not be supported as the proposed use involves the use of heavy vehicles (i.e. light bus) and there are sensitive receivers in the vicinity of the Site (the nearest domestic structure is located 40m to the northeast of the Site) (**Plan A-2**);
- (b) the applicant is advised to follow the relevant mitigation measures and requirements in the COP to minimize any potential environmental nuisances;
- (c) should the application be approved, the following approval condition is recommended:

no public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site, as proposed by the applicant, at any time during the planning approval period; and
- (d) no substantiated environmental complaint has been received for the Site over the past three years.

## **10. Public Comments Received During Statutory Publication Period**

On 9.8.2024, the application was published for public inspection. During the statutory public inspection period, three comments were received (**Appendix V**). A member of the Northern District Council and the Chairman of Lung Shan Area Committee indicate no comment on the application. Another comment from an individual objects to the application mainly on the

ground of potential adverse archaeological impact.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary holiday camp (private tent camping ground) for a period of three years at the Site zoned “V” on the OZP. The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. While the proposed use is not in line with the planning intention of the “V” zone, DLO/N of LandsD advises that no Small House application in respect of the Site has been received. Given the temporary nature of the proposed use, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The Site is largely vacant with a few tents and covered with grass. The surrounding areas are of rural character mainly comprising vacant land, domestic structures and temporary structures. Considering its nature and scale, the proposed use is considered not entirely incompatible with the surrounding area.
- 11.3 The Site is accessible to Sha Tau Kok Road – Shek Chung Au via an access road (**Plan A-1**). According to the applicant, a first-come-first-served booking system will be adopted for the 16 tent spaces and the ten car parking spaces, no walk-in visitors or vehicles without registration will be allowed. Traffic management measures such as deploying staff to manage the traffic entering and leaving the Site and erection of warning signs will be provided. In this regard, the Commissioner for Transport has no comment on the application from traffic engineering perspective. An approval condition on the implementation of the proposed traffic management measures is included in paragraph 12.2 below.
- 11.4 DEP considers that the application should not be supported as the proposed use involves the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. residential structures) in the vicinity of the Site is expected. In this regard, it is noted the vehicular access to the Site will not pass through residential structures. The applicant will be advised to follow the environmental mitigation measures set out in the COP in the Recommended Advisory Clauses at **Appendix IV**. In addition, an approval condition restricting the use of audio amplification system is recommended in paragraph 12.2 below.
- 11.5 The Site falls within Sha Tau Kok Shek Kiu Tau SAI and is located in the vicinity of two Grade 3 Historic Buildings. Having considered the applicant’s submission, the Chief Heritage Executive (Antiquities & Monuments), Antiquities and Monuments Office has no adverse comment on the application from archaeological and building heritage perspectives. Other relevant departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department, Director of Agriculture, Fisheries and Conservation, Director of Fire Services and Chief Engineer/ Construction of Water Supplies Department, have no objection to/no adverse comment on the application.
- 11.6 In response to DLO/N, LandsD’s comment regarding the unauthorised structure and occupation of GL, which are subject to land control and lease enforcement actions, the applicant advises that he will rectify the matters accordingly. The applicant will be advised to liaise with LandsD to deal with the land issues separately under the land administration regime.

- 11.7 Regarding the public comments on the application as detailed in paragraph 10, 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 in paragraph 10 above, the Planning Department considers that the proposed use could be tolerated for a period of three years.
- 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 20.9.2027. The following conditions of approval and advisory clauses are suggested for Members' reference:

### Approval Conditions

- (a) no public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site, as proposed by the applicant, at any time 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 20.3.2025;
- (c) in relation to (b) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.6.2025;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) 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 20.3.2025;
- (f) in relation to (e) 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 20.6.2025;
- (g) the implementation of the traffic management measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 20.6.2025;
- (h) if any of the above planning condition (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
- (i) if any of the above planning condition (b), (c), (e), (f) or (g) 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 IV**.

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

the proposed use is not in line with the planning intention of the "V" zone which is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. There is no strong planning justification in the submission for a departure from the planning intention, 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 the 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 reason(s) for rejection should be given to the applicant.

### **14. Attachments**

<b>Appendix I</b>	Application Form with Attachment received on 1.8.2024
<b>Appendix Ia</b>	Further Information received on 26.8.2024 and 28.8.2024
<b>Appendix Ib</b>	Further Information received on 12.9.2024
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix IVa</b>	Requirements for the Fireman's Emergency Switch
<b>Appendix V</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos