

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/763

- Applicants** : Messrs. YEUNG Lam, YEUNG Yun Yau, YEUNG Wai Ming and YEUNG Wai Lun represented by Mr. YEUNG Yun Yau
- Site** : Lots 1442 and 1444 RP in D.D. 76 and adjoining Government Land, Sha Tau Kok Road, Fanling, New Territories
- Site Area** : About 1,600 m² (including about 190 m² of Government Land)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/18
- Zoning** : “Agriculture” (“AGR”)
- Application** : Renewal of Planning Approval for Temporary Training Centre (Adventure Training Centre) for a Period of 3 Years until 11.6.2025

1. The Proposal

- 1.1 The applicants seek renewal of planning permission to continue using the application site (the Site) for a temporary training centre (adventure training centre) for a period of three years until 11.6.2025 (**Plan A-1**). The Site falls entirely within an area zoned “AGR” on the draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/18. According to the 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) notwithstanding that the use is not provided for under the Notes of the Plan. The Site is currently used for the applied use with valid planning permission until 11.6.2022.
- 1.2 According to the applicants, the temporary training centre comprises three covered areas (two structures for activities including rope and wall climbing, rope net, etc. (Areas A & B) and one structure for toilet use (Area C)); five container-converted structures for store rooms, activity rooms, ancillary offices and meeting rooms (Areas D1 to D5); and three sets of outdoor facilities for rope net and climbing activities (Areas E1 to E3) with a total floor area of about 396.5 m². No car parking and loading/unloading facilities are provided within the Site. The operation hours are from 7:00 a.m. to 7:00 p.m. daily. Participants of the training centre are mainly from schools and non-governmental organisations. The Site is accessible via Sha Tau Kok Road – Ma Mei Ha (**Plan A-2**). A plan submitted by the

applicants showing the site layout and usage of various structures within the Site is at **Drawing A-1**.

1.3 The Site is the subject of four previous applications (No. A/NE-LYT/413, 504, 591 and 692) approved between June 2010 and May 2019. The development scheme submitted under the current renewal application is the same as the last one (No. A/NE-LYT/692) in terms of applied use, site layout and development parameters. The applicants have complied with all approval conditions.

1.4 In support of the application, the applicants have submitted the following documents:

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|-----|---|------------------------|
| (a) | Application Form with Attachments received on 11.4.2022 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 19.4.2022 | (Appendix Ia) |
| (c) | Further Information (FI) received on 6.5.2022 | (Appendix Ib) |
| (d) | FI received on 26.5.2022 | (Appendix Ic) |
| (e) | FI received on 27.5.2022 | (Appendix Id) |

2. Justifications from the Applicants

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

- (a) the continued use of the Site for an adventure training centre on a temporary basis can help meet the education and training needs of both students and staff of institutions in Hong Kong. It can help train more qualified trainers in the territory;
- (b) the adventure training centre is to provide youngsters, students and different community groups a venue with safe and challenging facilities for educational purpose. It can help youngsters to have more exposure and experience in life education; and
- (c) the renewal of the planning approval can help improve the environment and ensure better use of the land resources.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicants are the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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

5. Previous Applications

- 5.1 The Site is the subject of four previously approved applications (No. A/NE-LYT/413, 504, 591 and 692) submitted by the same applicants for the same applied use under the current application. These applications were approved by the Committee between 2010 and 2019 mainly on the grounds that the adventure training centre was small in scale with no requirements for parking and loading activities; unlikely to generate significant adverse traffic, environmental and drainage impacts on the surrounding areas; and no adverse departmental comments on the applications.
- 5.2 The development scheme submitted under the current renewal application is the same as the last one (No. A/NE-LYT/692) in terms of applied use, site layout and development parameters. All approval conditions have been complied with and the planning permission is valid until 11.6.2022.
- 5.3 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

6. Similar Application

- 6.1 There is one similar application within the “AGR” zone in the vicinity of the Site in the Lung Yeuk Tau and Kwan Tei South area. Application No. A/NE-LYT/739 for proposed temporary golf training centre for a period of three years was approved with conditions by the Committee on 26.3.2021 mainly on considerations that temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the development was not incompatible with the surrounding land uses; and no adverse departmental comments or concerns could be addressed by relevant approval conditions.
- 6.2 Details of the similar application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) currently occupied by an adventure training centre comprising temporary structures for training activities, ancillary offices, store rooms and toilet; and
 - (b) accessible via Sha Tau Kok Road – Ma Mei Ha.
- 7.2 The surrounding areas have the following characteristics:
- (a) to the north across Sha Tau Kok Road is Hung Leng Village;
 - (b) to the east is a car park with valid planning permission (No. A/NE-LYT/741); and
 - (c) to the south is predominantly rural in character with active and fallow agricultural land, intermixed with clusters of village houses / temporary domestic structures for domestic purpose.

8. 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.

9. Comments from Relevant Government Departments

9.1 Apart from the government department 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 IV** and **V** respectively.

District Officer’s Comments

9.2 District Officer (North), Home Affairs Department (DO(N), HAD) has consulted the locals on the application with the following comments:

- the Chairman of Fanling District Rural Committee (FDRC) cum the Resident Representative (RR) of Ko Po, the First Vice-Chairman of FDRC, the Second Vice-Chairman of FDRC, the Indigenous Inhabitant Representative (IIR) and the RR of Kan Tau Tsuen raise objection on the grounds that the development would further deteriorate the traffic condition along Sha Tau Kok Road, and generate noise and induce adverse impacts to the living condition of local residents. The incumbent North District Councillor of subject Constituency, the Chairman of Lung Shan Area Committee, the IIR and RR of Hung Leng have no comment.

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

On 22.4.2022, the application was published for public inspection. During the statutory public inspection period, four public comments were received. The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. The Chairman, the First and Second Vice-Chairmen of Fanling District Rural Committee raise objection to the application on considerations that the development would further deteriorate the traffic condition along Sha Tau Kok Road, generate noise and induce adverse impacts to the living condition of local residents.

11. Planning Considerations and Assessments

11.1 The application is for renewal of a planning permission for a temporary training centre (adventure training centre) for a period of three years at the Site zoned “AGR” on the OZP. DAFC has no comment on the renewal of the planning permission as the Site has been largely formed and occupied for the applied use for some years. Given that the development is only on a temporary basis, approval of the application for another three years would not jeopardise the long-term planning intention of the “AGR” zone.

11.2 The applied use is considered not incompatible with the surrounding land uses which are mixed uses comprising mainly agricultural land, vacant land, vehicle parks, village houses and temporary domestic structures. Significant adverse landscape impact arising from the

development is not anticipated. In this regard, CTP/UD&L, PlanD has no objection to the renewal application from landscape planning perspective. Having reviewed the FI submitted by the applicants, C for T has no objection to the renewal application from traffic engineering perspective. Other relevant government departments, including, CE/MN of DSD, D of FS and DEP, have no objection to or no adverse comment on the renewal application.

- 11.3 The Site is the subject of four previous applications as set out in paragraph 5.1 above for the same use submitted by the same applicants. All approval conditions of the last application have been complied with and the planning permission will lapse on 12.6.2022. There has not been major change in planning circumstances since the approval of the last application.
- 11.4 The planning circumstances of the current application are similar to the similar application as detailed in paragraph 6.1 above.
- 11.5 The application generally complies with TPB PG-No. 34C as detailed in paragraph 4 above.
- 11.6 Regarding the local objection as conveyed by DO(N), HAD and public comments as detailed in paragraphs 9.2 and 10 above respectively, the government departments' comments and the 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 local comments conveyed by DO(N), HAD and public comments mentioned in paragraphs 9.2 and 10 respectively, 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 3 years and **be renewed from 12.6.2022 to 11.6.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no night time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicants, is allowed on the Site during the planning approval period;
- (b) the existing fire service installations implemented shall be maintained in efficient working order at all times during the planning approval period;
- (c) the existing drainage facilities should be properly maintained at all times during the planning approval period and rectify if they are found inadequate/ineffective during operation; and
- (d) if any of the above planning conditions (a), (b) or (c) 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.

Advisory Clauses

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

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

- the development is not in line with the planning intention of the "Agriculture" zone which 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. There is no strong justification to merit 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 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 applicants.

14. Attachments

Appendix I	Application form with attachments received on 11.4.2022
Appendix Ia	SI received on 19.4.2022
Appendix Ib	FI received on 6.5.2022
Appendix Ic	FI received on 26.5.2022
Appendix Id	FI received on 27.5.2022
Appendix II	Relevant extracts of TPB PG-No. 34C
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comments
Drawing A-1	Layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a & A-4b	Site photos

**PLANNING DEPARTMENT
JUNE 2022**