

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

**APPLICATION NO. A/NE-MTL/8**

- Applicant** : Brother Inter Limited represented by Mr. PANG Hing Yeun
- Site** : Lots 309 (Part), 310 RP (Part), 311 (Part), 316 (Part), 322 (Part), 323 (Part), 324 (Part), 325 (Part), 330 RP (Part), 362 (Part), 363 (Part) in D.D. 89 and Adjoining Government Land (GL), Lo Wu, New Territories
- Site Area** : About 9,997.6 m<sup>2</sup> (including about 2,256.04 m<sup>2</sup> of GL)
- Land Status** : - Block Government Lease (demised for agricultural use) (about 77.4%)  
- GL (about 22.6% of the Site)
- Plan** : Approved Ma Tso Lung and Hoo Hok Wai Outline Zoning Plan (OZP) No. S/NE-MTL/3
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Holiday Camp with Ancillary Pet Garden and Facilities for a Period of 3 Years and Filling of Pond and Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for a proposed temporary holiday camp with ancillary pet garden and facilities for a period of 3 years and filling of pond and land. The Site falls within an area zoned “GB” on the OZP and ‘Holiday Camp’ is a Column 2 use in the “GB” zone requiring planning permission from the Town Planning Board (the Board). Under the remarks of the Notes for the “GB” zone of the OZP, filling of land/ pond requires planning permission from the Board. The Site is currently covered with grass/ trees with two existing ponds observed at the northern and south-eastern parts of the Site (**Plan A-3**).
- 1.2 The proposed holiday camp will comprise 20 outdoor tent camping areas for accommodating a maximum of 80 campers, each with a portable toilet at the south eastern part of the Site. The proposed development also involves seven 1-to 2-storey structures of a height ranging from 2.62m to 5.24m and a total floor area of 104.12m<sup>2</sup> for ancillary storage (about 29.75m<sup>2</sup>), office (about 29.75m<sup>2</sup>), guardhouse (about 7.44m<sup>2</sup>), lounge (about 22.31m<sup>2</sup>) and shared restroom/washroom (about 14.87m<sup>2</sup>) uses. An ancillary pet garden of 2,100m<sup>2</sup> is proposed, which is mainly covered by landscaped area, and is intended for visitors of the holiday camp only. The submitted Layout Plan is in **Drawing A-1**. The operation hours of the proposed development is between 8:00 a.m. to 10:00 p.m., except for the overnight camping area. The applicant states that 6 to 8 staff members

will be working at the Site during the operation hours. The Site is accessible via Fai King Road (**Plan A-1**). A total of 20 private car parking spaces and three light goods vehicle parking spaces will be provided within the Site.

- 1.3 According to the applicant, a total of 250 Bamboo Palms/Lady Palms of a height ranging from 1.7m to 2m will be planted along the north-eastern and south-eastern boundary of the Site, as shown on the Landscape Proposal in **Drawing A-2**. The circulation area will be paved with grass pavers/grasscrete while the outdoor camping area will be covered by lawn. There is no information in the submission on the drainage proposal and details of sewage treatment apart from providing a shared washroom and placing 20 portable toilets on each of the camping site.
- 1.4 Associated filling of pond and land is proposed within the Site for the purposes of outdoor camping area and car parking and vehicular circulation respectively (**Drawing A-3**). The estimated pond and land filling area is about 3,800m<sup>2</sup> (i.e. about 38% of the Site) with a depth of 1.8m and about 1,045m<sup>2</sup> (i.e. about 10.5% of the Site) with a depth of 0.3m respectively. The applicant states that part of the existing pond at the south-eastern part of the Site will be preserved.
- 1.5 In support of the application, the applicant has submitted the following documents:
  - (a) Application form with attachments received on 21.6.2022 (**Appendix I**)
  - (b) Supplementary Information (SI) received on 24.6.2022 (**Appendix Ia**)

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Part 8 of the Application Form and SI at **Appendices I** and **Ia**, as summarized below:

- (a) the proposed development will provide opportunities for the public to access and appreciate nature and revitalize the Site;
- (b) the proposed development consists of only removable structures with no impact on the environment. The applicant undertakes to reinstate the Site upon expiry of the planning permission;
- (c) the applicant undertakes to maintain the landscape condition of the Site;
- (d) the existing pond within the Site has been abandoned for a long period of time; and
- (e) adverse drainage, hygiene, environmental, traffic and sewerage impacts are not anticipated.

## **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 posting site notice and sending notice to the Sheung Shui District Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the adjoining GL portion of the Site, the TPB PG-No. 31A is not applicable.

#### **4. Town Planning Board Guidelines**

The Site falls entirely within an area zoned “GB” on the OZP. The Town Planning Board Guidelines for “Application for Development within Green Belt Zone under Section 16 of the Town Planning Board Ordinance” (TPB PG-No. 10) is relevant to this application. Relevant extracts of the Guidelines are at **Appendix II**.

#### **5. Background**

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

#### **6. Previous Application**

The Site is not the subject of previous application.

#### **7. Similar Application**

There is no similar application within the “GB” zone on the Ma Tso Lung and Hoo Hok Wai OZP in the past five years.

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

8.1 The Site is:

- (a) covered with grass and cluster of tree groups. Two existing ponds are found in the northern and south-eastern parts of the Site (**Plan A-3**); and
- (b) accessible via Fai King Road (**Plan A-1**).

8.2 The surrounding areas are dominated by marshes, vegetated hillslopes, domestic structures and other temporary structures. The Ho Sheung Heung Egrettry and a large piece of marshland are located to the south and north of the Site respectively within an area zoned “Conservation Area” (“CA”). The open storage of construction materials and metal workshop to the immediate south of the Site are ‘existing use’ (**Plans A-2 and A-3**).

#### **9. Planning Intention**

9.1 The planning intention of the “GB” zone 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.

9.2 As filling of land and pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

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

10.1 Apart from the government departments as set out in paragraph 10.2 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.

10.2 The following government departments have the following comments on the application.

### **Traffic**

#### 10.2.1 Comments of the Commissioner for Transport (C for T):

- (a) he has reservation on the application from traffic engineering perspective as the applicant fails to provide the following information/assessment:
  - (i) the applicant shall justify the adequacy of the parking spaces and loading/unloading spaces so provided by relating to the number of vehicle visiting the Site;
  - (ii) the applicant shall advise the management/control measures to be implemented to ensure no queueing of vehicles outside the Site;
  - (iii) the applicant should advise if public transport can access the Site;
  - (iv) the applicant shall advise the provision and management of pedestrian facilities to ensure pedestrian safety; and
  - (v) the existing Fai King Road/Ho Sheung Hung Road connecting the Site and Ho Sheung Heung Road (section beyond the Lo Wu Correctional Institution) (**Plans A-1** and **A-2**) is a substandard road with no footpath provision. Some sections of the road are only about 2.7m wide and the sightlines are inadequate. The additional traffic generated by the proposed development may cause adverse impact on this single track access, in particular, may pose safety hazard to the pedestrians. The applicant shall address the adverse traffic impact induced and advise improvement measures, if any, to ensure pedestrian safety.
- (b) the existing Fai King Road/Ho Sheung Heung Road between the Site and Ho Sheung Heung Road (section beyond the Lo Wu Correctional Institution) (**Plans A-1** and **A-2**) is not under TD's management. The applicant should check the land status of the access with the lands authority, and clarify its management and maintenance responsibilities with the relevant lands and maintenance authorities accordingly.

## **Landscape**

### 10.2.2 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) she has some reservations on the application from landscape planning perspective;
- (b) the Site is located in an area of rural inland plains landscape character comprising fish ponds in the east, densely vegetated hillslopes at Crest Hill in the west and temporary structures in the south (**Plans A-1 and A-3**). No similar application has been approved by the Board in the vicinity of the Site within the “GB” zone. The proposed use is considered not compatible with its surrounding environment;
- (c) the Site is covered with grass and trees of common species are observed in close proximity of the Site. A young *Aquilaria sinensis* of about 2m high is found near the northern boundary of the Site (**Plan A-2**) and some fruit trees in good to fair condition are found in the northwest boundary outside the Site. Although the applicant suggests that tree felling is not required, some existing trees in close proximity of the Site near the proposed vehicular access may be in conflict with the proposed wooden fencing. Since no information on the existing trees and proposed treatments is provided in the submission, the potential impact on the existing trees cannot be ascertained;
- (d) it is noted that there are two ponds within Site, one is in the south eastern part of the Site and another one is in the northern part of the Site (**Plans A-3 and A-4a**). According to the applicant, the total area of pond filling is 3,800m<sup>2</sup>. However, no information is provided in the submission to demonstrate (i) the total area of the existing ponds; (ii) the proposed filling area of the northern pond; and (iii) the proposed area to be retained for the south eastern pond. In addition, a broad assessment of existing ponds and proposal of mitigation measures for the loss of ponds are not provided in the submission. As such, the potential impact on existing landscape resources within the Site arising from the proposed development and associated pond filling works cannot be reasonably ascertained. Further information on the existing landscape resources including their proposed treatments and mitigation measures shall be provided for consideration;
- (e) according to applicant’s justification, wooden fence, grass pavers/grasscrete, lawn are proposed. The applicant should clearly indicate all the proposed treatments on the Landscape Plan for review; and
- (f) noting that only palm species are proposed in the Landscape Plan, the applicant should review the planting proposal to plant more broad leaf tree species, preferably native species, in order to blend in with the surrounding woodland environment and enhance biodiversity.

## **Environment**

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

- (a) the Site is close to water sensitive receivers, including the adjacent area zoned “CA”, Ho Sheung Heung Egretty and Ng Tung River (**Plan A-1**);
- (b) the applicant should provide additional information and justifications to address the following concerns:
  - (i) the issues of potential water quality impact arising from the proposed land and pond filling works, and suggest any mitigation measures to be implemented;
  - (ii) any wastewater discharge from the camping activities (e.g. Barbeque and washing-basins), and number and capacity of the portable toilets; and
  - (iii) other environmental issues including air quality, noise and waste management arising from the proposal during its construction and operation stages.
- (c) no environmental complaint concerning the Site was received in the past three years.

## **Nature Conservation and Fish Culture**

### 10.2.4 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

#### **Nature Conservation**

- there are two ponds located within the Site, and the remaining portion of the Site is covered with common trees, aquatic and herbaceous plants. In this regard, he has reservation on the application from nature conservation point of view as the loss of wetland/pond is not desirable.

#### **Fish Culture**

- does not support the application from fish culture point of view as the application involves filling of fish pond that is engaged in pond fish culture.

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

- 11.1 On 28.6.2022, the application was published for public inspection. During the statutory public inspection period, a total of 13 public comments were received (**Appendix V**). Among them, ten object, two support and one indicates no comments.
- 11.2 Two individuals support the application on consideration that the proposed development could provide opportunities for the public and pets to keep in touch with nature. The North District Council member has no comment on the application.

- 11.3 The other ten objecting ones are submitted by the Conservancy Association, the Hong Kong Bird Watching Society, the Kadoorie Farm & Botanic Garden Corporation and seven individuals. The main grounds of objection are that the proposed development is not in line with the planning intention of the “GB” zone; it is a “destroy first, develop later” case; adverse traffic, noise, environmental and ecological impacts to the surrounding areas and environment; and the Site is subject to land dispute and adverse possession.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for a proposed temporary holiday camp with ancillary pet garden and facilities for a period of 3 years and filling of pond and land at the Site zoned “GB” on the OZP. The planning intention of the “GB” zone is set out in paragraph 9.1 above. There is a general presumption against development within the zone. DAFC has reservation from nature conservation point of view as the proposed development would result in the loss of wetlands/fish ponds. The proposed development is considered not in line with the planning intention of the “GB” zone. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
- 12.2 The Site is situated in an area characterized by marshes, vegetated area, densely vegetated hillslopes and temporary structures. The proposed development with filling of pond and land is considered generally not compatible with the surrounding environment. While the applicant suggests that no tree felling activities will be carried out, information regarding the treatments to those existing trees has not been provided in the submission. Furthermore, the applicant fails to provide compensatory proposal to mitigate the potential impact arising from pond filling activities. As such, potential impact on the existing tree and landscape resources within the Site cannot be reasonably ascertained. CTP/UD&L has some reservations on the application from landscape planning perspective. Since the proposed development may affect the existing natural landscape and there is no information in the submission to demonstrate that there are no adverse impacts on the existing landscape and pond features, the application does not comply with the TPB PG-No. 10.
- 12.3 Considering that the application involves filling of pond, DAFC does not support the application from fish culture perspective. C for T has reservation on the application from traffic engineering perspective as the applicant fails to provide information in terms of the parking provision, vehicular access, traffic management, etc, to demonstrate that the proposed use will not generate adverse traffic impacts on the surrounding areas. DEP raises concern from environmental perspective and advises the applicant to provide additional information to supplement on the waste management on-site; and potential noise, sewage, water and air quality impacts arising from the proposed development during construction and operation stages. Since there is no information in the submission to demonstrate that there are no adverse environmental and traffic impacts on the surrounding areas, the application does not comply with the assessment criteria of TPB PG-No. 10 as well. Other relevant departments consulted, including D of FS, CE/MN of DSD and CO(LA), HAD, etc. have no adverse comment on/no objection to the application.
- 12.4 Regarding the public comments on the application as detailed in paragraph 11 above, government departments’ comments and planning assessments above are relevant. With regard to the current land dispute raised by an individual, it should be noted that the

applicant has complied with the requirements as set out in the TPB PG-No. 31A. Also, such land dispute matter is not a consideration of the Board.

### **13. Planning Department's Views**

13.1 Based on the assessments made in paragraph 12 and taking into account the public comments in paragraph 11 above, the Planning Department does not support the application for the following reasons:

- (a) the proposed development is not in line with the planning intention of the “GB” 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 such planning intention, even on a temporary basis; and
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 for ‘Application for Development within the “GB” zone under Section 16 of the Town Planning Ordinance’ in that the applicant fails to demonstrate in the submission that the proposed development would not affect the existing natural landscape and cause adverse environmental, traffic and nature conservation impacts on the surrounding areas.

13.2 Alternatively, 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 until 12.8.2025. The following conditions of approval and advisory clauses are suggested for Members’ reference:

#### **Approval Conditions**

- (a) no operation between 10:00 p.m. and 8:00 a.m., except for the overnight camping area of the Site, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no pond and land filling on site is allowed until the flood relief mitigation measures have been implemented to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) the submission of a Drainage Impact Assessment (DIA) including flood relief mitigation measures 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 12.2.2023;
- (d) in relation to (c) above, the implementation of the drainage proposal and other necessary flood relief mitigation measures identified in the DIA 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 12.5.2023;
- (e) in relation to (d) above, the implemented drainage facilities at the Site should be maintained at all times during the planning approval period;



- (f) the submission of proposals for traffic management measures within 6 months from the date of planning approval to the satisfaction of the Commissioner of Transport or of the Town Planning Board by 12.2.2023;
- (g) in relation to (f) above, the implementation of proposals for traffic management measures within 9 months from the date of planning approval to the satisfaction of the Commissioner of Transport or of the Town Planning Board by 12.5.2023;
- (h) the submission of proposals for environmental mitigation measures within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 12.2.2023;
- (i) in relation to (h) above, the implementation of proposals for environmental mitigation measures within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 12.5.2023;
- (j) the submission of proposals for water supplies for fire-fighting and fire service installations 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 12.2.2023;
- (k) in relation to (j) above, the implementation of proposals for water supplies for fire-fighting and fire service installations 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 12.5.2023;
- (l) if any of the above planning condition (a), (b) or (e) 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;
- (m) if any of the above planning condition (c), (d), (f), (g), (h), (i), (j) or (k) 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; and
- (n) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

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

### **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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 21.6.2022
<b>Appendix Ia</b>	SI received on 24.6.2022
<b>Appendix II</b>	Relevant Extracts of the Town Planning Board Guidelines for “Application for Development within Green Belt Zone” (TPB PG-No. 10)
<b>Appendix III</b>	Government Departments’ General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comments
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	Proposed Landscape Plan
<b>Drawing A-3</b>	Filling of Pond and Land Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	UAV Photo
<b>Plans A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2022**