

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/84

- Applicant** : Income Mall Limited represented by LCH Planning & Development Consultants Limited
- Site** : Lot 37 (Part) in D.D. 80, Lin Ma Hang Road, Ta Kwu Ling North, New Territories
- Site Area** : About 93m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed Temporary Eating Place for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed temporary eating place for a period of three years at the application site (the Site), which falls within an area zoned “REC” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Eating Place’ is a Column 2 use within the “REC” zone requiring planning permission from the Town Planning Board (the Board). The Site is hard paved and erected with an existing temporary structure.
- 1.2 The proposed use involves the conversion of an existing one-storey temporary structure with a height of about 3.5m to a temporary eating place with a total floor area of about 93m². According to the applicant, the Site forms part of a Short Term Waiver (STW) area for the purpose of holiday camp and associated facilities¹ (the Holiday Camp), and the proposed eating place at the Site aims to provide catering services to its campers as well as visitors in the vicinity. The operation hours of the proposed eating place are 24 hours daily including public holidays. Access to the Site is via Lin Ma Hang Road to the south through the Holiday Camp. A plan showing the location of the Site in relation to the Holiday Camp is shown in **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 7.5.2024 (**Appendix I**)
 - (b) Further Information (FI) received on 18.6.2024[^] (**Appendix Ia**)
(*^accepted and exempted from publication and recounting requirements*)

¹‘Holiday Camp’ is a Column 1 use within the “REC” zone on the OZP that is always permitted. District Lands Officer/ North, Lands Department (DLO/N, LandsD) advises that the subject lot and adjoining lots are covered by STW No. 1638 for the purpose of holiday camp and associated facilities.

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** as summarized below:

- (a) approval of the proposed temporary eating place would enable the provision of catering services to the campers of the Holiday Camp as well as visitors in the vicinity, including the cross-boundary travellers of Liantang/ Heung Yuen Wai Boundary Control Point (LT/HYW BCP). The proposed use will be operated by the operator of the Holiday Camp, and the operation hours of the proposed use are intended to tally with that of the Holiday Camp. The approval of the proposed temporary use for a period of three years will not jeopardize the long-term planning intention of the "REC" zone;
- (b) there are approved similar applications for eating place or commercial use in the vicinity of the Site within the same "REC" zone in recent years; and
- (c) the proposed eating place is visually compatible with the surroundings. No adverse traffic, drainage and environmental impacts arising from the proposed use are anticipated. Underground septic tank and grease trap within the Holiday Camp are provided to serve the proposed use.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not the "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 obtaining the consent of a "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is currently not subject to any active enforcement action².

5. Pervious Application

There is no previous application at the Site.

6. Similar Applications

- 6.1 There were two similar applications (No. A/NE-TKLN/23 and 39) for proposed temporary place of recreation, sports or culture (parent-child play area), eating place, shop and services; and temporary retail shop, eating place and ancillary office respectively falling wholly/partly within the "REC" zone in the vicinity of the Site in the past five years. The applications were approved with conditions by the Rural and New

² According to recent investigations, the Holiday Camp encroaches onto some areas falling within "Green Belt" ("GB") zone to its north. The areas falling within "GB" zone would be subject to planning enforcement action.

Town Planning Committee (the Committee) of the Board on 5.2.2021 and 28.5.2021 respectively mainly on considerations that the proposed uses were not incompatible with the surrounding areas; and no adverse departmental comments were received.

- 6.2 Details of the similar applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:

- (a) hard paved and erected with an existing temporary structure;
- (b) situated in an existing Holiday Camp; and
- (c) accessible via the entrance of the Holiday Camp along Lin Ma Hang Road (**Drawing A-1**).

- 7.2 The surrounding areas are of rural inland plains landscape character comprising car parks, vegetated areas and village houses.

8. Planning Intention

The planning intention of the “REC” zone is primarily for low-density recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the low-density recreational developments may be permitted subject to planning permission.

9. 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 at **Appendices III** and **IV** respectively.

10. Public Comments Received During Statutory Publication Period

On 14.5.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received, including a member of North District Council (NDC) indicating no comment on the application, and an individual objecting to the application mainly on the grounds of fire safety and adverse sewerage impact (**Appendix V**).

11. Planning Considerations and Assessment

- 11.1 The application is for a proposed temporary eating place for a period of three years at the Site zoned “REC” on the OZP. The planning intention of the “REC” zone is primarily for low-density recreational developments for the use of the general public. Uses in support of the low-density recreational developments may be permitted subject to planning permission. According to the applicant, the proposed eating place is for

providing catering services to the campers of the Holiday Camp and visitors in the vicinity. Given that the proposed temporary use is small in scale and the proposed eating place is considered not in conflict with the planning intention of the “REC” zone. Taking into account the planning assessments below, Planning Department has no objection to the proposed eating place on a temporary basis of three years.

- 11.2 Chief Town Planner/Urban Design and Landscape of Planning Department has no objection to the application from landscape planning perspective, and advises that the proposed use is not incompatible with the planned use in the proximity of the Site and significant adverse impact on the landscape character and existing landscape resources within the Site is not anticipated. Other relevant government departments concerned, including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application.
- 11.3 There are two similar applications involving temporary eating place use approved by the Committee in 2021 as detailed in paragraph 6 above. The planning circumstances of the applications are largely applicable to the current application. As such, approval of the current application is in line with the Committee’s previous decisions.
- 11.4 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 paragraphs 10 above, 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 5.7.2027. 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 5.1.2025;
- (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 5.4.2025;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 5.1.2025;
- (e) in relation to (d) 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 5.4.2025;

- (f) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked on the same date without further notice; and
- (g) if the above planning condition (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 IV**.

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

The proposed use is not in line with the planning intention of the "REC" zone, which is primarily for low-density recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification in the submission to justify 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) 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

Appendix I	Application Form with attachments received on 12.12.2023
Appendix Ia	FI received on 29.2.2024
Appendix II	Similar Application
Appendix III	Government Department's General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Unmanned Aerial Vehicle Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2024**