

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

**APPLICATION NO. A/NE-TKLN/91**

<b><u>Applicant</u></b>	: Income Mall Limited represented by LCH Planning & Development Consultants Limited
<b><u>Site</u></b>	: Lots 20 RP (Part), 21 (Part), 22 (Part), 23 (Part) and 25 (Part) in D.D. 80, Ta Kwu Ling North, New Territories
<b><u>Site Area</u></b>	: About 1,920m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
<b><u>Zoning</u></b>	: “Green Belt” (“GB”)
<b><u>Application</u></b>	: Temporary Holiday Camp for a Period of Three Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary holiday camp for a period of three years and associated filling of land at the application site (the Site). The Site falls within an area zoned “GB” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Holiday Camp’ and filling of land within the “GB” zone require planning permission from the Town Planning Board (the Board). The Site is partly covered with vegetation, partly hard-paved and currently occupied by some caravans without valid permission.
- 1.2 According to the applicant, the Site forms part of an existing holiday camp operated by the applicant (**Plans A-1 and 4a**)<sup>1</sup>. The Site is divided into two portions on the eastern and western sides of the existing holiday camp. The applied use comprises nine caravans/tents/camps (seven on the eastern portion and two on the western portion)<sup>2</sup>, with a height of not more than one storey or 3.5m. The nine caravans/tents/camps have a total covered area of about 283.5m<sup>2</sup>. The remaining portion of the Site will be served as landscape areas. The applicant also applies for regularisation of filling of land for a minor portion of the Site (about 33m<sup>2</sup> or about 1.7%) with concrete of about 0.2m in depth for safety purpose in view of the steep slope. No structures will be erected and no further

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<sup>1</sup> The entire holiday camp falls within “Recreation” (“REC”) (about 76%) and “GB” (about 24%) zones. The current application covers the part of the holiday camp (i.e. about 24%) falling within the “GB” zone. For the remaining “REC” zone, ‘holiday camp’ is always permitted and no planning permission is required.

<sup>2</sup> While the Site is currently occupied by caravans, the applicant also includes tents/camps uses to allow flexibility for meeting changing needs of the customers.

filling or excavation of land will be carried out at the Site. The layout plan and land filling plan submitted by the applicant are shown in **Drawings A-1** and **A-2**.

- 1.3 The major development parameters of the applied use and the entire holiday camp are summarised as follows:

	<b>Applied use under the current application (No. A/NE-TKLN/91)</b>	<b>Entire holiday camp (including the applied use)</b>
Site area	About 1,920m <sup>2</sup> (about 24% of the entire holiday camp)	About 7,956m <sup>2</sup>
Number of caravans/tents/camps	9 caravans/tents/camps <sup>(1)</sup>	21 caravans/tents/camps
Covered area of caravans/tents/camps	283.5m <sup>2</sup>	Not more than 661.5m <sup>2</sup>
No. of structures	N/A	11 (not exceeding 830.5m <sup>2</sup> of built over area and a height of 6m/ 2 storeys)
Maximum no. of campers	About 27	80
Parking Provision	N/A	- Two private car parking spaces for staff only - One light bus pick-up/drop-off space for visitor

<sup>(1)</sup>: Three caravans/tents/camps fall entirely within the Site. For other six caravans/tents/camps, only parts of them fall within the Site while the remaining parts fall within the adjoining holiday camp site (**Drawing A-1**).

- 1.4 The Site is accessible from the adjoining holiday camp which is connected to Lin Ma Hang Road. The operation hours are 24 hours from Mondays to Sundays, including public holidays. The applied use will only serve the campers and reservation is required. No parking space will be provided at the Site and the parking and loading/unloading facilities of the adjoining holiday camp will be utilised by the applied use. Campers are encouraged to take public transport and walk to the holiday camp. Septic tank will be used for sewage treatment at the Site. Audio amplification system will be avoided but in case there is no alternative means, the audio amplification system will only be used during day time (i.e. 9:00 am to 7:00 pm) in limited extend and on occasional period only, with mitigation measures such as orientating the audio amplification system away from sensitive receivers.

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

- (a) Application Form with attachments received on 16.10.2024 **(Appendix I)**
- (b) Supplementary Information (SI) received on 22.10.2024 **(Appendix Ia)**
- (c) Further Information (FI) received on 27.11.2024\* **(Appendix Ib)**
- (d) FI received on 29.11.2024\* **(Appendix Ic)**

\* *accepted and exempted from 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, SI and FI at **Appendices I to Ic**, as summarised below:

- (a) since there are feedbacks from the potential campers to enlarge the camping ground area in order to create a spacious atmosphere, the applicant, who is a professional campsite management team, would like to utilise the remaining private land and slightly extend the holiday camp operation area;
- (b) the applied use, formed part of a holiday camp, is intended to provide eco-tourism opportunity. It is in line with the Government's direction of 'Tourism is Everywhere in Hong Kong' as well as echoing the Northern Metropolis Action Agenda to support eco-tourism opportunities and the boundary economy of Heung Yuen Wai Boundary Control Point;
- (c) the applied use is associated with the adjoining camping site falling within the "REC" zone. Such slight extension to the adjoining "GB" zone is still considered as in line with the planning intention of the "GB" zone. Given the applied use is small in scale and intensity for passive recreational purposes while being compatible with the surrounding environment, it also complies with the Town Planning Board Planning Guidelines No. 10;
- (d) there are approved planning applications for temporary holiday camp, recreational or leisure uses within the "GB", "Agriculture" or "REC" zones in Ta Kwu Ling North, Ta Kwu Ling, Man Uk Pin, Tai Po, Ting Kok or Lai Chi Wo areas; and
- (e) the Site and the adjoining holiday camp are covered by a Short Term Wavier (STW) No. 1638. The traffic and drainage impacts have been addressed upon approval of the STW. The applicant will follow the 'Code of Practices on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (COP) issued by Environmental Protection Department (EPD) as well as the Noise Control Ordinance. No adverse traffic, environmental and drainage impacts are anticipated. With no tree felling at the Site, no adverse visual and landscape impacts are anticipated. The applicant will make relevant submission under the Hotel and Guesthouse Accommodation Ordinance.

## **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 obtaining consent from the 'current land owner'. Detailed information would be deposited at the meeting for Members' inspection.

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

The Town Planning Board Guidelines No. 10 for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) is relevant to the application. Relevant extracts of the Guidelines are attached at **Appendix II**.

## 5. **Background**

The Site largely falls within an active planning enforcement case (No. E/NE-TKLN/81) regarding unauthorised recreation use (including use for holiday camp) (**Plan A-2**). Enforcement Notice was issued on 2.7.2024 requiring discontinuation of the unauthorised development (UD) by 2.10.2024. Recent site inspection revealed that the UD was not discontinued. The Site is under monitoring.

## 6. **Previous Application**

There is no previous application covering the Site.

## 7. **Similar Application**

There is no similar application within the same “GB” zone in the vicinity of the Site in the past five years.

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

8.1 The Site is:

- (a) forming part of an existing holiday camp;
- (b) partly covered with vegetation, partly hard-paved and currently occupied by some caravans without valid planning permission; and
- (c) accessible from the adjoining holiday camp which is connected to Lin Ma Hang Road.

8.2 The surrounding areas are of rural character mainly comprising the holiday camp and unused land. Lin Ma Han Road and Heung Yuen Wai Boundary Control Point are located to the further south and southwest respectively (**Plan A-1**).

## 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 with this zone.

9.2 According to the Explanatory Statement of the OZP, as filling of land within the “GB” zone may cause adverse drainage 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 department as set out in paragraph 10.2 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 at **Appendices III** and **IV** respectively.

10.2 The following government department has comments on the application:

### **Landscape**

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

- (a) with reference to the photos taken on 25.10.2024, the Site is mostly vacant with some caravans. Few existing trees are observed within the Site. According to the Planning Statement, “No tree felling is anticipated.” With reference to the aerial photos of 2017 to 2023, vegetation clearance within the Site is observed, adverse landscape impact on existing landscape resources has been taken place in 2022. Based on the aerial photo of 2023, the Site is located in an area of rural inland plains landscape character surrounded by vegetated areas, clusters of tree groups and Heung Yuen Wai Boundary Control Point to the southwest. There is a concern that approval of the application may alter the landscape character and degrade the landscape quality of the “GB” zone; and
- (b) approval of the application does not imply approval of tree works such as pruning, transplanting and felling. The applicant is reminded to seek approval for any proposed tree works from relevant authority prior to commencement of the works.

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

On 25.10.2024, the application was published for public inspection. During the statutory public inspection period, four comments were received (**Appendix V**). Three comments from The Conservancy Association, Kadoorie Farm & Botanic Garden Corporation and an individual object to the application mainly on the grounds that the applied use will cause adverse environmental and sewerage impacts; vegetation has been cleared; no information on how the Site will be recovered; the Site may be subject to “apply first, destroy later”; and the Site is intended for brownfield use. One comment from a member of the North District Council indicates no comment on the application.

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

12.1 The application is for temporary holiday camp for a period of three years and associated filling of land at the Site zoned “GB” on the OZP. The applied use 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 the “GB” zone. According to the applicant, the application is to facilitate the

expansion of the existing adjoining holiday camp. However, the applicant does not provide sufficient information to demonstrate why the caravans/tents/camps cannot be accommodated within the adjoining holiday camp site, given that as indicated in the layout plan (**Drawing A-1**) the current application is mainly for placing parts of some caravans/tents/camps within the Site, while there are still ample unused areas within the adjoining holiday camp site. There is no strong planning justification in the submission for a departure from the planning intention of the “GB” zone, even on a temporary basis.

- 12.2 The application involves regularisation of filling of land for part of the Site (about 33m<sup>2</sup> or about 1.7%) with concrete of about 0.2m in depth. Filling of land within the “GB” zone requires planning permission from the Board as it may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In this regard, the Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection and Director of Agriculture, Fisheries and Conservation have no objection to or no adverse comment on the application from the public drainage, environmental and nature conservation perspectives respectively. An approval condition requiring the reinstatement of the Site to an amenity area is recommended should the Committee decide to approve the application.
- 12.3 According to the TPB PG-No.10, an application for new development within “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The development should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape. In this regard, comparing with the previous and recent aerial photos from 2010 to 2023, the Site was largely vegetated around the time of gazette of the draft Ta Kwu Ling North Development Permission Area (DPA) Plan in 2010, but subsequently vegetation clearance has been observed since 2022 (**Plans A-3a to A-3c**). CTP/UD&L, PlanD considers that vegetation clearance within the Site is observed and adverse landscape impact on the existing landscape resources has taken place. She raises concern that the approval of the application may alter the landscape character and degrade the landscape quality of the “GB” zone. In view of the above, the applied use is considered not in line with TPB PG-No. 10.
- 12.4 Other relevant government departments consulted, including the Commission for Transport, Director of Fire Services, and Chief Engineer/Construction of Water Supplies Department have no objection to or no adverse comment on the application.
- 12.5 Regarding the public comments on the application as detailed in paragraph 11, government departments’ comments and planning assessments above are relevant.

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

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

the applied use with associated filling of land 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 with this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

- 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 three years until 6.12.2027. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.3.2025;
- (b) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (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 6.6.2025;
- (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 6.9.2025;
- (e) if the above planning condition (b) 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;
- (f) if any of the above planning condition (a), (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; and
- (g) upon the 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 with Attachment received on 16.10.2024
<b>Appendix Ia</b>	SI received on 22.10.2024
<b>Appendix Ib</b>	FI received on 27.11.2024
<b>Appendix Ic</b>	FI received on 29.11.2024
<b>Appendix II</b>	Relevant Extracts of 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>	Layout Plan
<b>Drawing A-2</b>	Land Filling Area Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3a to A-3c</b>	Aerial Photo
<b>Plans A-4a to A-4e</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2024**