

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/96

<u>Applicant</u>	: Income Mall Limited represented by LCH Planning & Development Consultants Limited
<u>Site</u>	: Lots 20 RP (Part), 21 (Part), 22 (Part), 23 (Part) and 25 (Part) in D.D. 80, Ta Kwu Ling North, New Territories
<u>Site Area</u>	: About 1,902m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
<u>Zoning</u>	: “Green Belt” (“GB”)
<u>Application</u>	: Temporary Holiday Camp for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary holiday camp for a period of three years at the application site (the Site) zoned “GB” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Holiday Camp’ is Column 2 use in the “GB” zone, which requires planning permission from the Town Planning Board (the Board). The Site is partly covered with vegetation and fenced-off, and currently occupied by some caravans without valid planning permission.
- 1.2 According to the applicant, the Site, which forms part of an existing holiday camp operated by the applicant (**Plans A-1 and 4a**)¹, consists of two portions with one in the east and one in the west of the existing holiday camp. The applied use comprises 12 caravans/tents/camps (seven on the eastern portion and five on the western portion)², with a height of not more than one storey or 3.5m. The 12 caravans/tents/camps have a total covered area of not more than 283.5m². The remaining portion of the Site is grassed and serves as a landscape area. No structure will be erected and no filling or excavation of land will be carried out at the Site. At-grade planting will be provided at the periphery of the Site to enhance the landscape area. The layout plan and landscape proposal submitted by the applicant are shown in **Drawings A-1 and A-2**.

¹ 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 part within the “REC” zone, ‘holiday camp’ is always permitted and no planning permission is required.

² 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.

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

	Applied use under the current application (No. A/NE-TKLN/96)	Entire holiday camp (including the applied use)
Site area	About 1,902m ² (about 24% of the entire holiday camp)	About 7,937m ²
Number of caravans/tents/camps	12 caravans/tents/camps ⁽¹⁾	21 caravans/tents/camps
Covered area of caravans/tents/camps	Not more than 283.5m ²	Not more than 661.5m ²
No. of structures	N/A	11 (not exceeding 830.5m ² of built over area and a height of 6m/ 2 storeys)
Maximum no. of campers	About 36	80
Parking Provision	N/A	- Two private car parking spaces for staff only - One light bus pick-up/drop-off space for visitor (upon reservation only)

Note:

⁽¹⁾ Three caravans/tents/camps fall entirely within the Site. For other nine caravans/tents/camps, only parts of them fall within the Site while the remaining parts are within the existing holiday camp zoned “REC” (**Drawing A-1**).

- 1.4 The Site is accessible from Lin Ma Hang Road through the existing holiday camp zoned “REC”. 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 existing holiday camp will be utilised. Campers are encouraged to use public transport and walk to the holiday camp. Septic tanks situated within the holiday camp will be used for sewage treatment. Audio amplification system will be avoided as far as possible but if required occasionally, it will only be used during day time (i.e. 9:00 am to 7:00 pm) in limited extent with mitigation measures such as orientating the system away from the nearby noise sensitive receivers.

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

- (a) Application Form with attachments received on 13.2.2025 **(Appendix I)**
- (b) Further Information (FI) received on 7.3.2025* **(Appendix Ia)**
- (c) FI received on 19.3.2025* **(Appendix Ib)**
- (d) FI received on 27.3.2025* **(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 and FIs at **Appendices I to Ic**, as summarised below:

- (a) since there are feedbacks from the 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, forming 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 (HYW BCP);
- (c) the applied use is associated with the existing holiday camp that falls within the "REC" zone. Such slight extension to the adjoining "GB" zone is still considered being in line with the planning intention. Given that the applied use is small in scale and the intensity and use can optimise land resources for passive recreational purposes while being compatible with the surrounding environment, it also complies with the Town Planning Board Guidelines No. 10. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the "GB" zone;
- (d) there will be further development under the forthcoming development proposals for New Territories North New Town, where Heung Yuen Wai Boundary Mixed Use Area is considered as Priority Development Area. The existing "GB" zone would no longer be maintained. Thus, this application would not deviate from the long-term planning intention of the "GB" zone which is expected to be rezoned in the near future;
- (e) the proposal has taken into account the license requirement of caravan camp site under Cap. 349 the Hotel and Guesthouse Accommodation Ordinance (HAGAO) (i.e. a minimum of 5m wide of unobstructed space on any sides of a caravan and its annex) and the adoption of good accommodation design to provide spacious atmosphere for the campsite users;
- (f) 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
- (g) the Site and the existing holiday camp zoned "REC" are covered by a Short Term Waiver (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 additional structures and no tree felling at the Site, no adverse visual and landscape impacts are anticipated. The applicant will make relevant submission under the HAGAO.

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/93) regarding unauthorized recreation use (including use for holiday camp) and storage use (**Plan A-2**). Enforcement Notice was issued on 26.3.2025 requiring discontinuation of the unauthorized development (UD) by 26.4.2025. The Site is under monitoring according to current planning enforcement procedures.

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-4c)**

8.1 The Site is:

- (a) forming part of an existing holiday camp and partly fenced-off;
- (b) partly covered with vegetation and currently occupied by some caravans without valid planning permission; and
- (c) accessible from the existing holiday camp which falls within “REC” zone and 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 Hang Road and HYW BCP are located to the further south and southwest respectively (**Plan A-1**).

9. Planning Intention

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.

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 concerns 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 24.2.2025, the Site is mostly vacant and fenced-off with some caravans. Few existing trees are observed within the Site. As stated in the Planning Statement, “...no filling of land and tree removal are involved at the Site...”. According 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. Based on the aerial photo of 2023, the Site is located in an area of rural inland plains landscape character surrounded by vegetated areas, scattered tree groups and HYW BCP to the southwest. Approval of the application may alter the landscape character and further 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 21.2.2025, the application was published for public inspection. During the statutory public inspection period, three comments were received (**Appendix V**). Two comments from Kadoorie Farm & Botanic Garden Corporation and an individual object to the application mainly on the grounds that the applied use is not in line with the planning intention of the “GB” zone; the space for campers is more than adequate and may be excessive; and the Board should investigate if there is any ongoing enforcement case. 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 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 holiday camp zoned “REC”, to ensure compliance with the license requirements under HAGAO (i.e. a minimum of 5m wide of unobstructed space on any sides of a caravan and its annex), and to provide a spacious atmosphere for the campsite users. 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 available within the existing holiday camp site and the nearby “REC” zone. The applicant does not provide sufficient information/rationale to demonstrate the necessity of encroaching onto the adjoining “GB” zone to accommodate the caravans/tents/camps. 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 According to 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 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-3b**). CTP/UD&L, PlanD considers that there is vegetation clearance observed within the Site and adverse landscape impact on the existing landscape resources has taken place. The approval of the application may alter the landscape character and further 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.
- 12.3 Other relevant government departments consulted, including the Commissioner for Transport, Director of Fire Services, Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to or no adverse comment on the application.
- 12.4 Regarding the public comments on the application as detailed in paragraph 11, the 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 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 11.4.2028. 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 11.7.2025;
- (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 11.10.2025;
- (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 11.1.2026;
- (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, including the removal of hard-paving, and grassing of the Site 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

Appendix I	Application Form with Attachment received on 13.2.2025
Appendix Ia	FI received on 7.3.2025
Appendix Ib	FI received on 19.3.2025
Appendix Ic	FI received on 27.3.2025
Appendix II	Relevant Extracts of TPB PG-No. 10
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Landscape Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a to A-3b	Aerial Photos
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
APRIL 2025**