

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

**APPLICATION NO. A/NE-TK/752**

<b><u>Applicant</u></b>	: Hung Wan Camping Limited represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	: Lots 321 RP, 322 RP, 324 RP, 325 RP, 326 RP, 327, 328, 383 and 384 RP (Part) in D.D. 17 and adjoining government land, Ting Kok, Tai Po, New Territories
<b><u>Site Area</u></b>	: About 2,841m <sup>2</sup> (including about 120m <sup>2</sup> of government land)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural purpose)
<b><u>Plan</u></b>	: Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Proposed Temporary Barbecue Site and Caravan Holiday Camp with Ancillary Facilities for a Period of 3 Years and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed temporary barbecue site and caravan holiday camp with ancillary facilities for a period of 3 years with filling of land at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for in terms of the OZP. Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is currently fenced, largely vacant with some trees, and partly used for parking of vehicles and storage.
- 1.2 According to the applicant, the proposed development comprises 11 single-storey structures (including 6 caravans) with height ranging from 2.8m to 5m, providing a total floor area of about 516.6m<sup>2</sup> for rainshelter of barbecue areas and circulation, caravans, refreshment kiosk, reception, storage of tools, washroom and changing room uses (**Drawing A-1**). About 681m<sup>2</sup> (about 24%) of the Site is proposed to be filled with concrete of not more than 0.2m (from 8.8mPD to 9mPD) for site formation for erecting structures and not more than 0.1m (from 8.8mPD to 8.9mPD) for parking and loading/unloading spaces (**Drawing A-2**). The remaining uncovered area will be used as open space and

circulation space. 9 parking spaces for private cars (2.5m X 5m) and 1 loading/unloading space for light goods vehicle (3.5m X 7m) will be provided. All existing trees (7 nos.) of common species within the Site will be retained. The office hours are from 9:00 a.m. to 10:00 p.m. daily (including public holidays). The estimated number of staff working at the Site is 8. No more than 40 visitors will be accommodated at the Site per day. The Site is accessible via a local track leading to Ting Kok Road (**Plan A-2**). Site layout and land filling plan of the proposed development submitted by the applicant are at **Drawings A-1 to A-2**.

- 1.3 Part of the Site is involved in a previously rejected application No. A/NE-TK/181 for a temporary horse riding school for a period of 3 years submitted by a different applicant. This previous application is irrelevant to the current application.
- 1.4 In support of the application, the applicant submitted the following documents:
  - (a) Application form and supplementary information (SI) (**Appendix I**) received on 17.6.2022 and 21.6.2022
  - (b) Further Information (FI) received on 29.8.2022<sup>^</sup> (**Appendix Ia**)
  - (c) FI received on 29.9.2022 (**Appendix Ib**)

<sup>^</sup>accepted but not exempted from publication and recounting requirements
- 1.5 The Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application as requested by the applicant on 12.8.2022.

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

The justifications put forth by the applicant in support of the application are detailed in Part 7 of the application form, SI and FI at **Appendices I to Ib**, as summarized below:

- (a) the proposed development could meet the increasing demand for local holiday camp owing to the COVID-19 pandemic;
- (b) there are planning approvals for similar recreational use within the same “AGR” zone. The proposed development is considered not incompatible with the surrounding areas. The temporary nature of the proposed development will not jeopardize the long-term planning intention of the “AGR” zone;
- (c) about 24% (i.e. 681m<sup>2</sup>) of the Site will be filled with concrete to provide stronger ground reinforcement for the proposed development. The area proposed to be filled is kept to its minimal. The Site will be reinstated into an amenity area upon expiry of the planning permission;
- (d) the locations of the proposed structures, parking spaces and land filling works have been adjusted to minimize potential impact on the existing trees. Kerbs will also be provided along the edge of the parking spaces to avoid damage caused by movement of vehicles to the existing trees (**Drawing A-1**);

- (e) visitors will be required to make appointment in advance for parking within the Site. Adverse traffic impact on the surrounding road network is not anticipated;
- (f) the proposed development will be connected to the existing public sewers along Ting Kok Road. No announcement system or any form of audio amplification system will be used at the Site. The applicant will strictly follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Environmental Protection Department; and
- (g) the proposed development will be served by existing stormwater drains. Adverse drainage impact on the surrounding areas is 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 notice on the Site and sending notice to Tai Po Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. As for the government land, the “owner’s consent/notification” requirements are not applicable to the application.

**4. Background**

The Site is currently not subject to active enforcement action.

**5. Previous Application**

There is no previous application for the same use at the Site.

**6. Similar Applications**

- 6.1 There are eight similar applications (No. A/NE-TK/624, 625, 628, 661, 697, 698, 704 and 712) covering four sites for temporary barbecue site use in the vicinity of the Site within the same “AGR” zone over the past 5 years (**Plan A-1**). All of them were approved with conditions by the Committee between 2018 and 2021, mainly on consideration of not frustrating the long-term planning intention of the “AGR” zone; not incompatible with the surrounding environment; and not causing adverse impacts on the surrounding areas.
- 6.2 Details of the applications are at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

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

**7.1 The Site is :**

- (a) currently fenced, largely vacant with some trees, and partly used for parking of vehicles and storage; and
- (b) accessible via a local track leading to Ting Kok Road.

**7.2** The surrounding areas are predominantly rural in character with temporary barbecue sites, car parks, farmlands, plant nurseries, vacant lands and scattered tree groups. To the immediate south and west are four barbecue sites covered by valid temporary planning approvals (Applications No. A/NE-TK/697, 698, 704 and 712) (**Plan A-2**). About 30m to the north across Ting Kok Road is the village proper of Ting Kok.

**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 recommended advisory clauses are provided at **Appendices III** and **IV** respectively.

**9.2** The following government department does not support the application.

Agriculture

**9.2.1** Comment of the Director of Agriculture, Fisheries and Conservation (DAFC):

- the Site is zoned “AGR” and is currently a piece of abandoned land. There are active agricultural activities in the vicinity, and agricultural infrastructure such as road access and water source is available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries etc. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view.

**10. Public Comments Received During Statutory Publication Periods (Appendix V)**

During the statutory public inspection periods, a total of four public comments were received from The Conservancy Association and an individual objecting to the application mainly for reasons of being not in line with the planning intention of the “AGR” zone; being incompatible with the surrounding land uses; and concerns on hygiene issues as well as adverse environmental and sewage impacts.

**11. Planning Considerations and Assessments**

- 11.1 This application is for a proposed temporary barbecue site and caravan holiday camp with ancillary facilities for a period of 3 years and filling of land (by not more than 0.2m in depth) at the Site zoned “AGR” on the OZP. The proposed development is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application as the Site possesses potential for agricultural rehabilitation. Nevertheless, as the proposed development is on a temporary basis, approval of the application would not jeopardize the long-term planning intention of the “AGR” zone.
- 11.2 The barbecue site and caravan holiday camp uses under application are mainly for leisure and recreational uses which can meet the recreational needs of the public subject to proper regulation and site management. The proposed development is considered not incompatible with the surrounding land uses which are predominantly rural in character, comprising temporary barbecue sites, car parks, farmlands, plant nurseries, vacant lands and scattered tree groups. According to the applicant’s submission, all of the 7 trees of common species identified within the Site will be retained. CTP/UD&L of PlanD has no in-principle objection to the application as significant adverse landscape impact arising from the proposed development is not anticipated.
- 11.3 According to the applicant, visitors will be required to make appointment in advance for parking within the Site. The proposed development will be connected to the nearby public sewers along Ting Kok Road for sewage disposal, and no announcement system or any form of audio amplification system will be used. The proposed development will also be served by existing stormwater drains. Significant adverse traffic, sewerage, environmental and drainage impacts arising from the proposed development on the surrounding areas are not anticipated. Relevant government departments consulted including C for T, DEP, CE/MN of DSD and D of FS have no objection to/no adverse comment on the application. To address the technical requirements of the concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant is also advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental impact on the surrounding areas.

- 11.4 There are 8 similar applications covering 4 sites for temporary barbecue site use within the same “AGR” zone in the vicinity of the Site over the past 5 years. All applications were approved with conditions on consideration as stated in paragraph 6.1 above. The planning circumstances of the current application are similar to the approved ones.
- 11.5 Regarding the public comments on the application as detailed in paragraph 10, government departments’ comments and the planning assessments above are relevant.

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

- 12.1 Based on the assessment made in paragraph 11, and having taken into account the public comments in paragraph 10 above, Planning Department considers that the proposed temporary barbecue site and caravan holiday camp with ancillary facilities and filling of land could be tolerated for a period of 3 years.
- 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 until 28.10.2025. The following approval conditions and advisory clauses are also suggested for Members’ reference:

### Approval Conditions

- (a) the submission of a sewerage impact assessment (SIA) 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 28.4.2023;
- (b) in relation to (a) above, the implementation of sewerage facilities identified therein 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 28.7.2023;
- (c) 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 28.4.2023;
- (d) in relation to (c) above, the implementation of drainage facilities 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 28.7.2023;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a proposal for fire service installations (FSIs) and water supplies for fire-fighting 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 28.4.2023;

- (g) in relation to (f) above, the implementation of FSIs and water supplies for fire-fighting 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 28.7.2023;
- (h) if any of the above planning conditions (a), (b), (c), (d), (f) or (g) 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;
- (i) if the above planning condition (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; and
- (j) 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 attached at **Appendix IV**.

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

- the proposed development is not in line with the planning intention of the "AGR" 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 planning justification in the current submission for 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) 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**

<b>Appendix I</b>	Application form and SI received on 17.6.2022 and 21.6.2022
<b>Appendix Ia</b>	FI received on 29.8.2022

<b>Appendix Ib</b>	FI received on 29.9.2022
<b>Appendix II</b>	Similar applications
<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 submitted by the applicant
<b>Drawing A-2</b>	Land filling plan submitted by the applicant
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT**  
**OCTOBER 2022**