

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/827

<u>Applicant</u>	: Mr. TAM Yuen Tat represented by Mr. HUI Kwan Yee
<u>Site</u>	: Various Lots in D.D. 17 and D.D. 29, Ting Kok Road, Tai Po, New Territories
<u>Site Area</u>	: About 3,616.43m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural purpose)
<u>Plan</u>	: Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Holiday Camp with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed temporary holiday camp with ancillary facilities for a period of three years at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is partly paved and currently occupied by temporary structures and caravans without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible via a local track leading to Ting Kok Road (**Plan A-2**). According to the applicant, the proposed use comprises seven single-storey structures with heights ranging from 2.9m to 3.66m, providing a total floor area of about 140.59m² for reception counter, storage, lounge, toilet and tuck shop (**Drawing A-1**). The remaining uncovered areas are used as open space, activity area and tent-camping area. No car parking space is provided on site. The operation hours are from 8:00 a.m. to 11:00 p.m. daily. The applicant claims that the application does not involve any filling of land. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 In support of the application, the applicant submitted the following documents:

- (a) Application Form with attachments received on 22.10.2024 (**Appendix I**)
- (b) Further Information (FI) received on 6.11.2024* (**Appendix Ia**)
- (c) FI received on 26.11.2024* (**Appendix Ib**)
- (d) FI received on 11.12.2024* (**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 Application Form and FIs at **Appendices I to Ic**, as summarised below:

- (a) the proposed holiday camp could provide a leisure destination for families and youngsters, allowing the public to get close to the nature whilst boosting the local tourism and economy and optimising land utilisation;
- (b) the structures on site are temporary in nature, which will not cause adverse impact on the natural environment and landscape resources. It is also clarified that:
 - the caravans and canopies currently found at the Site (**Plan A-4**) do not form part of the proposed use, and no barbecue area is provided;
 - the lounge (i.e. Structure no. 5 at **Drawing A-1**) will be used by both visitors and staff and confined to 29.77m² in size. Visitors and staff are not allowed to stay overnight; and
 - three basins are provided for hand-washing, which are considered as non-building structures;
- (c) the visitors need to reach the Site by public transport since no car parking space will be provided; and
- (d) the application does not involve any filling of land;
- (e) the applicant has committed to comply with all approval conditions, should the Board approve the application.

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 posting site notice and sending notice to the Tai Po Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is subject to an active planning enforcement action (No. E/NE-TK/189) against unauthorized development (UD) involving holiday camp and storage uses (**Plan A-2**). Enforcement Notice was issued on 17.9.2024 requiring discontinuation of the UD by 17.12.2024. If the notice is not complied with, the Planning Authority will consider to instigate prosecution action as appropriate.

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Application

- 6.1 There is one similar application No. A/NE-TK/752 for proposed temporary barbecue site and caravan holiday camp with ancillary facilities for a period of three years and filling of land in the vicinity of the Site within the same “AGR” zone in the past five years (**Plans A-1 and A-2**), which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2022 mainly on considerations of not jeopardizing the long-term planning intention of the “AGR” zone; not being incompatible with the surrounding land uses; not being anticipated to cause significant adverse landscape, traffic, sewerage, environmental and drainage impacts; and similar planning circumstances with the approved similar applications.
- 6.2 Details of the similar application is at **Appendix II** and its location is 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 partly paved and occupied by temporary structures and caravans without valid planning permission (**Plan A-4**); and
 - (b) accessible via a local track leading to Ting Kok Road (**Plan A-2**).
- 7.2 The surrounding areas are predominantly rural in character with barbecue sites, active farmland, plant nursery, domestic structures and vacant land (**Plans A-2 and A-3**). To its north and east are temporary barbecue sites covered by valid planning permissions under applications No. A/NE-TK/783 and 823 and No. A/NE-TK/782 and 796 respectively (**Plan A-2**). To its south and west are plant nursery, active farmland and vacant land (**Plans A-2 and A-3**). About 20m and 65m to its south are an area zoned “Coastal Protection Area” and the Ting Kok “Site of Special Scientific Interest” respectively (**Plans A-2 and A-3**).

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 departments as set out in paragraph 9.2 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.

9.2 The following government departments do not support/have objection to the application.

Agriculture

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

- the Site falls within the “AGR” zone and is generally vacant. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also 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 perspective.

Land Administration

9.2.2 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) he objects to/has adverse comments on the application;
- (b) the Site comprises 26 Old Schedule Agricultural Lots in D.D. 17 and D.D. 29 all held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) according to applicant’s proposal, there are structures erected or to be erected on Lots 424, 432, 433 and 434 in D.D. 17 and Lots 1099 and 1100 in D.D. 29. As a warning letter against an unauthorized structure on Lot 1099 in D.D. 29 has been registered in the Land Registry, LandsD would not process any Short Term Wavier (STW) application thereof unless the lot owners have attended and addressed the registered warning

letter. The lot owners should immediately rectify the lease breaches as demanded by LandsD;

- (d) a recent inspection revealed that a temporary structure with staircase has been erected on the Site which is almost 13m² larger than the size of Structure no. 5 (i.e. 29.77m²) stated in the Application Form. Besides, other than the toilet indicated as Structure no. 6 in the application, on the Site another toilet was found erected which was not included in the application. The applicant should immediately remove the structures. If approval from the Board is granted, LandsD would proceed STW application with extent the same as approved by the Board's decision/approval; and
- (e) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access thereto.

10. Public Comments Received During Statutory Publication Period

On 29.10.2024, the application was published for public inspection. During the statutory public inspection period, two public comments received from an individual and the Conservancy Association respectively (**Appendix V**) object to the application mainly for the reasons that the proposed use is not in line with the planning intention of "AGR" zone; potential adverse environmental impacts will be caused; the application is a suspected case of "destroy first, build later" that would set an undesirable precedent; there are unauthorized structures currently at the Site; no details in relation to the provision of tents/caravans, toilet, water supply, drainage, etc.; there is only little demand for camping ground; and the current application may be an extension of the adjoining barbecue site under application No. A/NE-TK/823.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary holiday camp with ancillary facilities for a period of three years at the Site zoned "AGR" on the OZP (**Plan A-1**). The proposed use 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, taking into account the planning assessments below, the proposed use on a temporary basis of three years could be tolerated.
- 11.2 The proposed holiday camp with ancillary facilities 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 use is considered not incompatible with the surrounding land uses which are predominantly rural in character, comprising barbecue sites, active farmland, plant nursery, domestic structures and vacant land (**Plans A-2 and A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department advises that significant adverse

impact on the existing landscape resources arising from the proposed use is not anticipated.

- 11.3 According to the applicant, the proposed use comprises seven single-storey structures for reception, storage, lounge, toilet and tuck shop (**Drawing A-1**). The remaining uncovered areas are used as open space, activity area and tent-camping area. No car parking space will be provided. Regarding DLO/TP, LandsD's concern on the unauthorized structures erected within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. Significant adverse traffic, sewerage, environmental and drainage impacts arising from the proposed use on the surrounding areas are not anticipated. Relevant government departments consulted including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services 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.
- 11.4 There is one similar application No. A/NE-TK/752 for proposed temporary barbecue site and caravan holiday camp with ancillary facilities for a period of three years and filling of land in the vicinity of the Site within the same "AGR" zone in the past five years (**Plans A-1 and A-2**), which was approved with conditions by the Committee in 2022 mainly on the considerations as stated in paragraph 6.1 above. The planning circumstances of the said similar application are similar to the current application. Approving the current application is in line with the previous decision of the Committee.
- 11.5 Regarding the public comments on the application as detailed in paragraph 10, government departments' comments and the planning assessments above are relevant. For the public concern that the Site may be an extension of the adjoining barbecue site under application No. A/NE-TK/823, the applicant confirms that no barbecue area is provided at the Site.

12. **Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11, and having taken into account the public comments in paragraph 10 above, the Planning Department considers that the proposed use could be tolerated for a period of three 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 three years until 20.12.2027. The following approval conditions 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 20.6.2025;

- (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 20.9.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a sewerage impact assessment 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 20.6.2025;
- (e) in relation to (d) 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 20.9.2025;
- (f) the submission of a proposal for 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 20.6.2025;
- (g) in relation to (f) 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 20.9.2025;
- (h) if any of the above planning condition (a), (b), (d), (e), (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 (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; 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 use 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

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

Appendix I	Application Form with attachments received on 22.10.2024
Appendix Ia	FI received on 6.11.2024
Appendix Ib	FI received on 26.11.2024
Appendix Ic	FI received on 11.12.2024
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan Submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2024**