

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

**APPLICATION NO. A/YL-HTF/1131**

- Applicant** : Tree Climbing Hong Kong Limited (TCHK) (香港樹木學會有限公司)  
represented by Metro Planning and Development Company Limited
- Site** : Lots 230 and 581 (Part) in D.D. 128, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : 2,070 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Coastal Protection Area” (“CPA”)
- Application** : Temporary Training Centre (Tree Care Training Centre) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary training centre (tree care training centre) for a period of 3 years at the application site (the Site). The Site falls within an area zoned “Coastal Protection Area” (“CPA”) on the Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12 (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of 3 years within the zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP for “CPA” zone. The Site is currently used as the applied use without valid planning permission (**Plans A-2 and A-4a to 4b**).
- 1.2 The Site is accessible via a local track to Deep Bay Road (**Drawing A-1 and Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-2**, there are 2 temporary structures with a total floor area of about 240 m<sup>2</sup> and building heights of 4 - 4.5 m for open sheds for site office, classroom and toilet uses. There is a climbing practice ground in the southern portion of the Site and existing trees will be preserved for tree care training (**Drawings A-2 and A-3**). The applicant indicates that there are 2 private car parking spaces and the operation hours are from 9 am to 7 pm every day. The applicant has removed all the hard paving at the Site.

The proposed access plan, layout plan, landscape plan and drainage plan are shown at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is the subject of two previous applications (A/YL-HT/805 and A/YL-HTF/1102) (details at paragraph 5 below).
- 1.4 In support of the application, the applicant has submitted the Application Form and attachments received on 31.1.2022 (**Appendix I**).
- 1.5 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 18.3.2022 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Rural and New Town Planning Committee (the Committee) at this meeting.

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

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement (**Appendix I**). They can be summarized as follows:

- (a) The Site is currently occupied as a training ground by TCHK which is a qualified training institution accredited by the Education Bureau.
- (b) The Site is far from residential settlement and the training for tree climbing, tree care and use of saw would not affect nearby residents.
- (c) The Site is grown with mature trees which are suitable for tree care training.
- (d) The development is not incompatible with the surrounding environment.
- (e) The development will not generate adverse traffic, landscape and drainage impacts to the surroundings.

## **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. 31A) by posting site notice and sending registered post to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The Site would be subject to planning enforcement action.

## **5. Previous Application**

- 5.1 The Site involves two previous applications (No. A/YL-HT/805 and A/YL-HTF/1102) for temporary organic farm with ancillary education and activity centre and small-scale barbecue spot and temporary training centre (tree care training centre) uses respectively. Details of the previous applications are summarized at **Appendix II** and the location are shown on **Plan A-1**.
- 5.2 Application No. A/YL-HT/805 (covering the Site and a much larger area of about 2.2 ha) for temporary organic farm with ancillary education and activity centre and small-scale barbecue spot was rejected by the Board on review in 2013. The rejection reasons were that the proposed development was not in line with the planning intention of the “CPA” zone; there was insufficient information to demonstrate no adverse environmental, drainage and landscape impacts; and the proposed development would set an undesirable precedent for other similar applications.
- 5.3 Application No. A/YL-HTF/1102 (covering almost the same site as the current application) for temporary training centre (tree care training centre) was approved with conditions by the Committee in 2020 on the considerations that the proposed development was not incompatible with the surrounding areas and no adverse departmental comments. However, the application was revoked on 11.11.2021 due to non-compliance with condition on removal of hard-paving at the Site before operation of the applied use and no additional land filling at the Site.
- 5.4 Compared with the last application, the current application is submitted by the same applicant for the same use at the same site with slightly smaller area and same layout.

## **6. Similar Application**

There is no similar application within the same “CPA” zone.

## **7. The Site and Its Surrounding Areas (Plan A-2 to Plans A-4a and 4b)**

- 7.1 The Site is:
- (a) currently occupied by TCHK for tree care training ground use with some existing structures without valid planning permission; and
  - (b) accessible via a local track from Deep Bay Road (**Drawings A-1 and Plans A-2 and A-3**).
- 7.2 The surrounding areas have the following characteristics (**Plans A-2**):
- (a) to its north and northeast are sitting-out area, residential structures, an open storage yard of converted containers which is a suspected unauthorized development (UD) and a hobby farm covered by valid planning permission. To its further north and northwest are two sites for temporary place of recreation, sports or culture (fishing ground) covered by valid planning permissions (**Plan A-2**);
  - (b) to its southeast is vegetated slope. To its further southeast is Deep Bay Road;

- (c) to its southwest are some open storage yards and residential settlements; and
- (d) to its further west is a plant nursery and grassland.

## **8. Planning Intention**

- 8.1 The planning intention of “CPA” zone is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion.
- 8.2 There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

## **9. Comments from Relevant Government Departments**

Government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and the recommended advisory clauses are provided in **Appendices III and IV** respectively.

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

On 8.2.2022, the application was published for public inspection. During the statutory public inspection period, 2 public comments were received from the Kadoorie Farm and Botanic Garden Corporation and an individual objecting to the application (**Appendices V-1 and V-2**) on the following grounds:

- (a) the development is not in line with the planning intention of the “CPA” zone;
- (b) the approval of the application would set an undesirable precedent for similar applications within the “CPA” zone; and
- (c) the previous application was revoked as the applicant failed to comply with the approval conditions related to filling of land. The Board should clarify whether there is enforcement action at the Site.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary training centre (tree care training centre) for a period of 3 years at the Site zoned “CPA” on the OZP. The “CPA” zone is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. The Site is currently occupied by TCHK for tree care training ground use (**Plans A-3 and A-4**). The northern portion of the Site is vegetated while there are 2 temporary structures and a tree climbing training ground in the southern portion of the Site. The applicant proposes to preserve the existing trees at the Site for tree

care training. The applicant has removed the hard-paving in the Site. In this regard, DAFC has no strong view on the application from nature conservation point of view. As such, approving the application on a temporary basis will not undermine the long-term planning intention of the “CPA” zoning.

- 11.2 The Site is situated in a rural landscape setting comprising recreational uses of fishing ground and hobby farm, scattered residential dwellings, open storage yards and scrubland (**Plans A-2 and A-3**). The applied use is considered not incompatible with the surrounding areas.
- 11.3 There is no adverse comment from the concerned government departments, including DEP, C for T, CTP/UD&L of PlanD and CE/MN of DSD. The development would unlikely create significant adverse environmental, traffic, landscape and drainage impacts to the surrounding areas. To minimize any possible environmental impacts and nuisance on the surrounding developments, and to address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental impacts on the nearby sensitive receivers.
- 11.4 There is no similar application in the same “CPA” zone. The Site is the subject of two previous planning applications (No. A/YL-HT/805 and A/YL-HTF/1102). Application No. A/YL-HT/805 was for temporary organic farm involving an extensive site area of over 2.2 hectares which was rejected by the Board on review in 2013. Application No. A/YL-HTF/1102, submitted by the same applicant for the same use at almost the same site, was approved with conditions in 2020. However, the last approval was revoked due to non-compliance with condition on removal of hard-paving at the Site before operation of the applied use and no additional land filling at the Site. Prior to the submission of the current application, the applicant has removed all hard-paving at the Site (**Plans A-4a and A-4b**). As such, sympathetic consideration may be given to the application. Should the application be approved, the applicant will be advised that should he fail to comply with any of the approval conditions resulting in revocation of planning permission again, sympathetic consideration would not be given to any further applications.
- 11.5 There were two public comments objecting to the application mainly on grounds stated in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.4 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 mentioned in paragraph 10, the Planning Department considers that the temporary training centre (tree care training centre) 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 **1.6.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no land filling is allowed on the Site during the planning approval period;
- (b) the submission of a revised 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 **1.12.2022**;
- (c) in relation to (b) above, the implementation of the revised 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 **1.3.2023**;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of a fire service installations proposal within **6 months** from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **1.12.2022**;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within **9 months** from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **1.3.2023**;
- (g) if any of the above planning conditions (a) or (d) 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;
- (h) if any of the above planning conditions (b), (c), (e) or (f) 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
- (i) upon expiry of the planning permission, the reinstatement of the Site to 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 applied use is not in line with the planning intention of the "CPA" zone, which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. There is no strong planning justification in the submission for a departure from such 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), if any, 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 with attachments received on 31.1.2022
<b>Appendix II</b>	Previous applications covering the Site
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendices V-1 and V-2</b>	Public Comments
<b>Drawing A-1</b>	Site Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Landscape Plan
<b>Drawing A-4</b>	Proposed Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2022**