

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1151

- Applicant** : Junchneg Group (HK) Co., Limited represented by R-riches Property Consultants Limited
- Site** : Lots 558 S.A, 558 S.B ss.1 S.A, 558 S.B ss.1 RP, 558 S.B ss.2, 561 S.A, 561 S.B ss.1 and 561 S.B ss.2 in D.D. 128 and Adjoining Government Land (GL), Yuen Long, New Territories
- Site Area** : About 17,488m² (including GL of about 180m² or 1%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm and Barbecue Site) and Holiday Camp with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary place of recreation, sports or culture (hobby farm and barbecue site) and holiday camp with ancillary facilities 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 for the “GB” zone, ‘Place of Recreation, Sports or Culture’ and ‘Holiday Camp’, which are Column 2 uses, and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently largely formed, partly used for open storage of construction materials and occupied by temporary structures, and partly vacant (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible via a local track from Deep Bay Road (**Plans A-2 and A-3a**). As shown on the proposed layout plan at **Drawing A-1**, 12 structures with a total floor area of about 480.5m² and building height of one storey (about 3m) for reception, site office, activity room, refreshment kiosk, storeroom and washroom uses are proposed. The western and northeastern portions of the Site mainly comprise of grassland/lawn (about 8,254m² or 47% of the Site) and

are mainly intended for tent camping area (20 tents), barbecue area (not more than 20 pits) and open/activity space uses. The southern and southeastern portions of the Site mainly comprise of farmland (about 5,509m² or 32% of the Site) and are mainly designated for hobby farming. There will be 10 parking spaces for private car, one loading/unloading (L/UL) space for light goods vehicle and one L/UL space for minibus. As shown on the tree preservation and landscape proposal (**Drawing A-3**), while 26 trees will be preserved, eight trees will be felled (no Old and Valuable Trees involved) and 20 new trees will be planted at the Site.

- 1.3 According to the applicant, the operation hours will be from 7:00 a.m. to 11:00 p.m. daily (excluding tent camping activities). Visitors are required to book in advance and not more than 60 visitors will be accommodated at the Site per day. Septic tank will be adopted for sewage disposal and no public announcement system or any form of audio amplification system will be used at the Site.
- 1.4 Moreover, the applicant applies to regularise the land filling works at part of the Site. As shown on the land filling plan at **Drawing A-2**, about 2,575m² (or 15% of the Site) has been filled with concrete of not more than 0.2m for site formation of structures and provision of parking, L/UL and circulation spaces.
- 1.5 The proposed layout plan, land filling plan, tree preservation and landscape proposal, preliminary drainage layout plan and vehicular access plan are at **Drawings A-1 to A-5** respectively.
- 1.6 In support of the application, the applicant submitted the following documents:
 - (a) Application Form with attachments received on (Appendix I)
21.2.2023
 - (b) Supplementary Information (SI) received on (Appendix Ia)
24.2.2023
 - (c) Further Information (FI) received on 10.5.2023* (Appendix Ib)
 - (d) FI received on 5.7.2023*¹
 - (e) FI received on 14.7.2023[#] (Appendix Ic)
 - (f) FI received on 2.8.2023[#] (Appendix Id)
 - (g) FI received on 3.8.2023[#] (Appendix Ie)

**accepted but not exempted from publication and
recounting requirements*
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recounting requirements*
- 1.7 On 21.4.2023 and 23.6.2023, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer a decision on the application as requested by the applicant for two months respectively.

¹ The FI was superseded by FI received on 14.7.2023 and hereby not attached.

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, Ic and Id**. They can be summarised as follows:

- (a) The proposed uses can promote organic farming and local camping in Hong Kong.
- (b) The proposed uses are passive recreational uses. The proposed hobby farm and holiday camp are akin to the always-permitted 'Agricultural Use' and 'Tent Camping Ground' use respectively, therefore not jeopardising the long-term planning intention of the "GB" zone.
- (c) The applied extent of land filling has been kept to a minimum to facilitate the operation of the proposed uses. No further filling of land will be required and the applicant undertakes to reinstate the Site to an amenity area upon expiry of the planning approval.
- (d) Fencing is proposed along the site boundary to minimise potential nuisance, with at least 2m setback from the streamcourse and placement of sandbags at the eastern boundary.
- (e) Waste will be disposed at the nearest refuse collection point regularly using light goods vehicles.
- (f) No adverse traffic and environmental impacts are anticipated.

3. Town Planning Board Guidelines

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

4. 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. The "Owner's Consent/Notification" Requirements under TPB PG-No. 31A are not applicable to the GL portion.

5. **Background**

Majority of the Site is the subject of planning enforcement actions (cases No. E/YL-HTF/947 and 950) against unauthorized developments (UDs) involving storage use (including deposit of containers) and filling of land respectively (**Plan A-2**). Enforcement Notice (EN) (case No. E/YL-HTF/947) was issued on 8.3.2023 requiring the discontinuation of the storage use (including deposit of containers) at the northern part of the Site by 8.5.2023. Reinstatement Notice (RN) (case No. E/YL-HTF/950) was issued on 16.3.2023 requiring the reinstatement of the concerned land (i.e. removal of debris, leftovers and fill materials including concrete blocks and concrete) at the southern part of the Site by 16.6.2023. As recent site inspections conducted upon expiry of the notices revealed that the storage use still largely continued and the Site was only partially reinstated, prosecution action may be followed.

6. **Previous Applications**

The Site is involved in three rejected applications (No. A/YL-HT/42, 414 and 967) for temporary open storage, racing circuit and recyclable collection centre uses. The consideration of these applications are not relevant to the current application, which involves a different use. Details of the applications are summarised at **Appendix III** and the locations are shown on **Plan A-1**.

7. **Similar Application**

There is no similar application within the same “GB” zone on the OZP in the past five years.

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

8.1 The Site is:

- (a) largely formed², partly used for open storage of construction materials and occupied by temporary structures and, and partly vacant; and
- (b) accessible via a local track from Deep Bay Road.

8.2 The surrounding areas have the following characteristics:

- (a) to the east are a streamcourse, vacant land, woodland and fallow agricultural land;
- (b) to the south are woodland and the Tsing Shan Firing Range;
- (c) to the west and north are ponds, residential dwellings, woodland and

² Part of the Site was formed back in 1990, before the Ha Tsuen Interim Development Permission Area (IDPA) Plan was gazetted on 17.8.1990 (**Plan A-3b**).

vacant/unused land.

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 within this zone.
- 9.2 As filling of land/pond or excavation of land may cause adverse drainage impacts 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

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

11. Public Comments Received During the Statutory Publication Periods

On 28.2.2023, 16.5.2023 and 14.7.2023, the application was published for public inspection. During the statutory public inspection periods, six public comments from an individual, Kadoorie Farm and Botanic Garden Corporation and The Conservancy Association were received (**Appendices VI-1 to V-6**) objecting to and expressing concerns on the application mainly on the grounds of not in line with the planning intention of the “GB” zone, vegetation clearance, enforcement actions are underway, adverse environmental/ecological impact and insufficient information on the operation of the proposed uses.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm and barbecue site) and holiday camp with ancillary facilities for a period of three years and associated filling of land at the Site zoned “GB” on the OZP. According to the applicant, majority of the Site (about 79% of site area) will be used for recreational uses (including tent camping, hobby farm, barbecue area and open/activity space), while the remaining areas will be for 12 one-storey structures, circulation, parking and L/UL spaces in support of the proposed uses. The Director of Agriculture, Fisheries and Conservation (DAFC) has no comment on the application. Considering the predominantly passive recreational nature of the proposed uses and taking into account the planning assessments below, the proposed development on a temporary basis of three years could be tolerated.
- 12.2 The applicant also seeks to regularise some of the land filling works that have

been carried out at the Site, which comprises an area of 2,575m² (about 15% of site area) and a depth of not more than 0.2m involving concrete. For the land filling works under application, the applicant has provided justifications regarding the need for filling of land, i.e. site formation of structures and provision of parking, L/UL and circulation spaces. As mentioned in footnote 2 in paragraph 8.1(a), the Site was largely formed and land filling/site formation had been carried out before the first gazette of the Ha Tsuen IDPA Plan on 17.8.1990. Considering the extent of land filling in relation to the scale of the proposed operations at the Site, the land filling works is considered not excessive and necessary to support the operation of the proposed uses. Filling of land within the “GB” zone requires planning permission 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 (CE/MN, DSD) and DAFC have no objection or no comment from drainage and nature conservation perspectives and approval conditions could be imposed to address CE/MN, DSD’s requirements on the drainage aspect. An approval condition requiring the reinstatement of the Site to an amenity area upon expiry of the planning permission is also recommended should the Committee decide to approve the application.

- 12.3 The Site is situated in an area of rural landscape character predominated by village houses, woodland and ponds (**Plans A-2 and A-3a**). The proposed uses, which involve mainly grassland/lawn, farmland and low-rise structures (about 3m or one-storey) for recreational use, is not entirely incompatible with the surrounding areas.
- 12.4 As stated in 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. Passive recreational uses which are compatible with the character of surrounding areas may be given sympathetic consideration. Also, the development should not involve extensive clearance of vegetation and affect the natural landscape. While the Chief Town Planner/Urban Design and Landscape of Planning Department considers that the proposed development is incompatible with the surrounding landscape resources and landscape character, noting that no significant landscape resources are observed within the Site and the applicant has proposed to preserve 26 existing trees and plant 20 new trees to compensate for the felling of eight trees (mainly *Leucaena leucocephala*, an invasive exotic species), she has no comment on the application from landscape planning perspective. As such, the proposed uses are considered not contravening the TPB PG-No. 10.
- 12.5 Other relevant government departments, including the Commissioner for Transport, Director of Environmental Protection and Director of Fire Services have no objection to or no adverse comment on the application. The proposed uses will unlikely create significant adverse traffic, environmental and fire safety impacts to the surrounding areas. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Should the applicant be approved, the applicant will also be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ and

ProPECC PN 5/93 'Drainage Plans subject to Comment by the Environmental Protection Department' to minimise any potential environmental impacts on the surrounding areas.

- 12.6 There were six public comments received during the statutory publication periods objecting to or expressing concerns on the application mainly on the grounds summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 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 mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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 25.8.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no public announcement system or any form of audio amplification system, as proposed by the applicant, is allowed to be used on the Site during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at all times during the planning approval period;
- (c) the submission of a drainage proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 25.2.2024;
- (d) in relation to (c) above, the implementation of the drainage proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 25.5.2024;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of a fire service installations proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 25.2.2024;
- (g) in relation to (f) above, the implementation of the fire service

installations proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **25.5.2024**;

- (h) if any of the above planning condition (a), (b) or (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;
- (i) if any of the above planning condition (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; 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 V**.

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

the proposed uses are 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 this zone. There is no strong planning justification in the submission for a departure from the planning intention.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I

Application Form with Attachments received on

Appendix Ia	21.2.2023
Appendix Ib	SI received on 24.2.2023
Appendix Ic	FI received on 10.5.2023
Appendix Id	FI received on 14.7.2023
Appendix Ie	FI received on 2.8.2023
Appendix II	FI received on 3.8.2023
Appendix III	Relevant Extract of TPB PG-No. 10
Appendix IV	Previous Applications
Appendix V	Government Departments' General Comments
Appendices VI-1 to V-6	Recommended Advisory Clauses
	Public Comments
Drawing A-1	Proposed Layout Plan
Drawing A-2	Land Filling Plan
Drawing A-3	Tree Preservation and Landscape Proposal
Drawing A-4	Preliminary Drainage Layout Plan
Drawing A-5	Vehicular Access Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2023**