

RNTPC Paper No. A/YL-KTN/795
For Consideration by
the Rural and New Town
Planning Committee
on 10.12.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/795

<u>Applicant</u>	: Ease Camp HK Limited represented by R-riches Property Consultants Limited
<u>Site</u>	: Lots 588 (Part) and 593 RP in D.D. 109, Kam Tin, Yuen Long
<u>Site Area</u>	: About 3,425m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
<u>Zoning</u>	: “Village Type Development” (“V”) [maximum building height of 3 storeys (8.23m)]
<u>Application</u>	: Proposed Temporary Tent Camping Ground with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary tent camping ground with ancillary facilities for a period of 3 years. The applied use is neither a Column 1 nor Column 2 use for the “V” zone. According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three 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. The Site, which is not the subject of any previous application, is currently fenced and mostly covered with weeds (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed temporary camping ground will accommodate 12 tents for a maximum of 30 visitors. The proposed development will involve the erection of 2 one-storey temporary structures with building height of about 3m and a total floor area of about 63m² for reception, portable toilet and changing room purposes. The remaining area will be used for tent camping area and circulation space. The estimated number of staff working at the Site is 5. 8 private car parking spaces and 1 loading/unloading space for light goods vehicle will be provided within the

Site. The operation hours (with stationed staff) will be from 9:00 a.m. to 6:00 p.m. daily (except for overnight tent camping activities). The Site is accessible from Chi Ho Road via a local access. The site layout plan submitted by the applicant is at **Drawing A-1**.

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

(a) Application form with supplementary information and plans received on 12.10.2021 **(Appendix I)**

(b) Further Information (FI) received on 2.12.2021 in response to departmental comments **(Appendix Ia)**
[exempted from publication requirement]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary information, plans and FI in **Appendices I and Ia** respectively. They can be summarized as follows:

- (a) The applicant intends to operate a tent camping ground to serve the nearby locals.
- (b) The proposed uses is on a temporary basis so it will not jeopardize the long term planning intention of the “V” zone.
- (c) The proposed development would not cause significant adverse traffic, environmental, landscape, drainage impacts to the surrounding area. Relevant proposals including drainage, landscape and fire safety installations proposals would be submitted after obtaining planning approval.
- (d) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimize the possible environmental nuisance.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not the “current land owner” but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notice at the Site and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to any planning enforcement action.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

There is no similar application for temporary tent camping ground within the same “V” zone in the vicinity of the Site.

7. The Site and Its Surrounding Areas (Plans A-2 to A-4)

7.1 The Site is:

- (a) vacant, fenced and mostly covered with weeds; and
- (b) accessible from Chi Ho Road via a local access.

7.2 The surrounding areas are rural in character predominated by grassland, a few residential structures / dwellings, storage yard, vacant land and sites with construction works in progress:

- (a) to its east is vacant land (with valid planning permission for temporary eating place and public car park (excluding container vehicle) under application No. A/YL-KTN/717 but not yet implemented) and to its further east, across a stream course, is grassland within the “Agriculture” (“AGR”) zone;
- (b) to its north and west are grassland and sites with construction works in progress; further to the north and northwest, across the stream course, in the “AGR” zone are an open storage yard, a few residential structures/dwellings, vacant land a vacant structure; and
- (c) to its south across Chi Ho Road is the Kam Tin River. The village cluster of Tai Hong Wai (泰康圍), Kam Tin San Tsuen (錦田新村) and Wing Lung Wai (永隆圍) are in the further south (**Plans A-1 and A-3**).

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more

orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots 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.
- (b) Should the application be approved, the lot owner(s) will need to apply to his office to permit the structure(s) to be erected or regularize any irregularities on Site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.
- (c) There is no Small House applications currently under processing or approved at the Site.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by Transport

Department (TD). The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Chi Ho Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) There was no environmental complaint concerning the Site received by DEP in the past three years.
- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Open Storage and Temporary Uses”.

Nature Conservation

9.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) He has no comment on the current application from nature conservation perspective.
- (b) Should the application be approved, the applicant shall be reminded to avoid disturbance to Kam Tin River to the south of the Site during operation.

Fire Safety

9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to this Department for approval. The layout plans should be drawn to scale and depicted with dimensions

and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans.

- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. Licensing requirements, if any, shall be formulated upon receipt of formal application via the Licensing Authority.

Drainage

9.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the submission, implementation and maintenance of a drainage proposal for the development should be included in the planning permission.

Building Matters

9.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) Before any new building works (including containers / open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) If the proposed use under application is subject to issue of a license, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.
- (c) His detailed comments on UBW, provision of access, temporary or licenced structures are at **Appendix III**.
- (d) Detailed checking under the BO will be carried out at the building plan submission stage, if necessary.

District Officer's Comments

9.1.9 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

He has not received any comments from the locals upon close of consultation and has no particular comments on the application.

9.2 The following government departments have no comment on / no objection to the application:

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Project Manager (West), Civil Engineering and Development Department;
- (c) Director of Electrical and Mechanical Services; and
- (d) Commissioner of Police.

10. Public Comments Received During Statutory Publication Period

On 22.10.2021, the application was published for public inspection. During the three-week statutory publication period, two public comments were received from individuals (**Appendix II**). The commenters object to the application mainly for the reasons that the application is not in line with the planning intention of “V” zone; there is no proper vehicular access leading to the Site; the proposed development would result in adverse traffic impact; the proposed development will generate environmental hygiene and safety issues; and the Site should be reserved for residential purpose.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary tent camping ground for a period of 3 years at a site zoned “V” on the OZP. The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. The proposed use is not entirely in line with the planning intention of the “V” zone. Nevertheless, DLO/YL of LandsD advised that there is no Small House applications approved or under processing within the Site. It is considered that approval of the application on a temporary basis of 3 years would not jeopardize the long-term planning intention of the “V” zone.
- 11.2 The proposed use is considered not incompatible with the surrounding areas which are rural in character intermixed with grassland, a residential structures/dwellings, vacant land and sites with construction works in progress.
- 11.3 According to the applicant, the temporary tent camping ground under application is intended to serve the locals nearby. In view of its nature and relatively small in scale, the applied use is not expected to cause significant

adverse traffic, environmental and drainage impacts on the surrounding areas. Relevant departments consulted, including C for T, DEP, CE/MN of DSD and D of FS, have no adverse comment on or no objection to the application. To minimize any possible environmental nuisance, approval conditions restricting the types of vehicle used, and restricting the use of public announcement system and audio amplification system within the Site are recommended in paragraphs 12.2 (a) to (c) below. The applicant will also be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to alleviate any potential environmental nuisance. The technical requirements of CE/MN of DSD and D of FS could be addressed by approval conditions (d) to (h) in paragraph 12.2 below.

- 11.4 The Site is not the subject of any previous application, and there is no similar application approved within the same "V" zone in the vicinity of the Site.
- 11.5 Regarding the two public comments received during the statutory consultation period raising objection to the application as stated in paragraph 10 above, the departmental comments and planning assessments and considerations 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 as mentioned in paragraph 10, the Planning Department considers that the proposed temporary tent camping ground 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 10.12.2024. 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 is allowed to be used on the Site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors / trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) 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 10.6.2022;

- (e) in relation to (d) 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 10.9.2022;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) 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 10.6.2022;
- (h) in relation to (g) 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 10.9.2022;
- (i) if any of the above planning condition (a), (b), (c) or (f) is not complied with during planning approval, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning condition (d), (e), (g) or (h) 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.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix III**.

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

the proposed tent camping ground is not in line with the planning intention of the "V" zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. 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), 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

Appendix I	Application Form with Supplementary Information and Plans received on 12.10.2021
Appendix Ia	FI received on 2.12.2021
Appendix II	Public Comments
Appendix III	Advisory Clauses
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2021**