

RNTPC Paper No. A/YL-PH/1002
For Consideration by
the Rural and New Town
Planning Committee
on 10.5.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1002

<u>Applicant</u>	: Chief Force Limited
<u>Site</u>	: Lots 2873 S.B (Part), 2874 (Part), 2875 (Part), 2891 (Part) and 2892 (Part) in D.D.111 Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	: About 2,271m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Pat Heung Outline Zoning Plan No. S/YL-PH/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary War Game Centre with Ancillary Facilities for a Period of Three Years and Filling of Land

1 The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary war game centre with ancillary facilities for a period of three years and filling of land. The Site falls within “AGR” zone on the Pat Heung OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is paved and generally vacant with some temporary container structures erected without valid planning permission (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed use involves the erection of four temporary structures with building heights ranging from 4m to 7m and a total floor area of about 210m² for ancillary staff office, restroom, storage room, changing room and toilet. Visitors are required to make prior appointment and the Site can accommodate about 20 to 30 visitors per day. Four private car parking spaces will be provided on-site. The applicant also applies for regularisation of filling of land by 0.1m in depth (from +37.9mPD to 38mPD) for the entire Site for site formation. The operation hours are from 10:00 a.m. to 7:00 p.m. daily, including public holidays. The Site is accessible from Kam Tin Road via local tracks. The site layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is involved in two previous applications including the last approved

application No. A/YL-PH/918 covering a larger site area (about 2,457m²) for the same use submitted by the same applicant as the current application, with the planning permission revoked in March 2024 due to non-compliance with the approval conditions. Compared with the last application, the current application is essentially the same in terms of major development parameters except minor reduction to the site area and disposition of one of the structures. Details of the previous applications are at paragraph 5 below.

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

- (a) Application form with supplementary information (Appendix I)
received on 12.3.2024 and 18.3.2024
- (b) Further Information (FI) received on 30.4.2024* (Appendix Ia)
** 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 the application form, supplementary information and FI at **Appendices I** and **Ia**. They can be summarised as follows:

- (a) The proposed use is temporary in nature and would not frustrate the long-term planning intention of the “AGR” zone. It is to provide an outdoor area for war game activities in Hong Kong and a venue for companies/organisations in organising team building and disciplinary training events.
- (b) No public announcement system will be allowed within the Site. The restroom will not be used for domestic residential purpose. Only private car not exceeding 5.5 tonnes will be allowed to enter/exit the Site. The proposed use will not induce significant adverse traffic, environmental, drainage and fire safety impacts on the surrounding areas. Solid metal fencing will be erected at the boundary of the Site.
- (c) The change in site area from the last approved application No. A/YL-PH/918 is due to termination of tenancy for the concerned land portion. The applicant failed to comply with the approval conditions imposed on the last planning permission as the required Short Term Waiver was not granted before the expiry of the specified time limit, which affected the implementation of the technical requirements on the Site. The accepted fire service installations (FSI) and drainage proposals under application No. A/YL-PH/918 are submitted in support of the current application. The applicant will endeavour to comply with all the approval conditions should the application be approved by the Rural and New Town Planning Committee (the Committee) of the Board.
- (d) The extent of the filling of land is necessary for site formation to facilitate the proposed use.
- (e) biodegradable paintballs will be used for the war games and regular cleansing services would be arranged, and hence the proposed use would not cause adverse environmental impacts on the surrounding areas.

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

The applicant is not the “current land owner” of the Site 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. 31B) by posting notice at the Site and sending notification letter to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4 Background

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

5 Previous Application

5.1 The Site forms part of two previous applications (No. A/YL-PH/879 and 918). Application No. A/YL-PH/879 for temporary shop and services is not relevant to the current application. The last application (No. A/YL-PH/918) for the same use submitted by the same applicant as the current application was approved with conditions by the Committee on 24.6.2022 mainly on the considerations that approval on a temporary basis would not jeopardize the planning intention of the “AGR” zone; the proposed use was not incompatible with the surrounding land uses; relevant departments consulted in general had no adverse comments and their technical concerns could be addressed by approval conditions. The planning permission was subsequently revoked in March 2024 due to non-compliance with the approval conditions including the implementation of drainage and FSI proposals. In the current application, drainage and FSI proposals have been submitted in support of the application.

5.2 Details of the applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

6 Similar Applications

There is no similar application for temporary war game centre within the same “AGR” zone in the vicinity of the Site in the past five years.

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

7.1 The Site is:

- (a) paved and generally vacant with some temporary container structures erected without valid planning permission; and
- (b) accessible from Kam Tin Road via local tracks.

7.2 The surrounding areas are rural in character mainly intermixed with vacant land

(including a site with valid planning permission under application No. A/YL-PH/976 for temporary public vehicle park), woodland, graves, open storage/storage yards (including a site with valid planning permission under application No. A/YL-PH/942), vehicle parks and vehicle repair workshop. The open storage/storage yards (except the site of application No. A/YL-PH/942), vehicle parks and vehicle repair workshop uses are without valid planning permission. To the further southeast is an area zoned “Conversation Area” covered with vegetation. Lam Tsuen Country Park is located to the east of the Site.

8 Planning Intention

- 8.1 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.
- 8.2 According to the Explanatory Statement of the OZP for “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

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 advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.
- 9.2 The following government department does not support the application:

Agriculture and Nature Conservation

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

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally vacant with some sundries. Agricultural infrastructures such as road access and water source are available in the vicinity of the Site, which can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries, etc.; and
- (c) no comment on the application from nature conservation perspective.

10 Public Comment Received During the Statutory Publication Period (Appendix V)

The application was published for public inspection. During the statutory publication period, one public comment from an individual was received raising concerns on the

compliance status of approval conditions under the previous planning application and the adverse environmental impacts of the proposed use.

11 Planning Considerations and Assessments

- 11.1 The application is for proposed temporary war game centre with ancillary facilities for a period of three years and filling of land at the Site zoned “AGR” (**Plan A-1**). The planning intention of the “AGR” zone 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. The proposed use is not in line with the planning intention of the “AGR” zone, and DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. Nevertheless, taking into account the planning assessment below, the proposed use on a temporary basis for a period of three years could be tolerated.
- 11.2 Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and the Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental perspectives. An approval condition requiring the reinstatement of the Site to an amenity area is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses which are rural in character intermixed with vacant land, open storage/storage yards, vehicle parks and workshop. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that significant adverse landscape impact arising from the proposed use is not anticipated and has no objection to the application from landscape planning perspective.
- 11.4 The Site is involved in an approved previous application (No. A/YL-PH/918) for the same use with the same major development parameters submitted by the same applicant as the current application. While the planning permission was revoked in March 2024 due to non-compliance with the approval conditions including the implementation of drainage and FSI proposals, the applicant has submitted the relevant proposals which are accepted by CE/MN of DSD and D of FS. Should the Committee decide to approve the application, the applicant will be advised that should he fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 Other relevant departments consulted including the Commissioner for Transport have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by DEP to minimise any potential environmental nuisance.

- 11.6 Regarding the public comment as stated in paragraph 10, the departmental comments and planning considerations above are relevant.

12 Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, 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 10.5.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no public announcement system, portable loudspeaker or any form of audio amplification system and whistle blowing is allowed to be used on the site during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) the implementation of the accepted 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 10.2.2025;
- (d) in relation to (c) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the implementation of the accepted 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 10.2.2025;
- (f) if any the above planning condition (a), (b) 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;
- (g) if any of the above planning condition (c) or (e) 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
- (h) 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 with filling of land 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. No strong planning justification has been given 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 received on 12.3.2024 and 18.3.2024
Appendix Ia	FI received on 30.4.2024
Appendix II	Previous applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comment
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
MAY 2024**