

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/892

<u>Applicant</u>	:	Mr. CHEUNG Man-kit, Angus
<u>Site</u>	:	Lot 74 in D.D. 108, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 3,220m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<u>Zoning</u>	:	“Conservation Area” (“CA”)
<u>Application</u>	:	Proposed Temporary Tent Camping Ground 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 for a period of 3 years. The Site falls within an area zoned “CA” on the Pat Heung OZP. The proposed tent camping ground under private operation is regarded as a ‘Holiday Camp’ use in accordance with the Definition of Terms used in Statutory Plans, which is a Column 2 use in the “CA” zone and requires planning permission from the Town Planning Board (the Board). The Site, which is not the subject of any previous application, is currently partly paved, fenced and partly covered with weeds and partly being used for parking of vehicles and storage purposes (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the proposed temporary camping ground will allow members of the designated local charitable and religious groups to partake in outdoor camping and group education activities. It can accommodate a maximum of 20 tents. The proposed development also involves the erection of five single-storey temporary structures with building height ranging from about 2.3m to 2.6m and a total floor area of about 65m² for storeroom and portable toilet purposes. 10 private car parking spaces, without fixed location, will be provided within the Site. The applicant states that camping activities will be arranged between 2:00 p.m. on Fridays and 5:00 p.m. on Sundays, and between Mondays and Thursdays during long school holidays such as summer holidays, Christmas, Easter and Chinese New Year. The Site is accessible from Fan Kam 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 plans received on 6.9.2021 (Appendix I)
- (b) Supplementary information (SI) received on 9.9.2021 (Appendix Ia)
- (c) Further Information (FI) received on 8.10.2021 and 11.10.2021 (Appendix Ib)
- (d) FI received on 5.1.2022 (Appendix Ic)
- (e) FI received on 16.5.2022 (Appendix Id)

1.4 At the requests of the applicant, the Committee agreed to defer making a decision on the application twice each for place for a period of two months to allow time for the applicant to prepare FI to address the departmental comments. After the latest deferral request in March 2022, the applicant submitted FI on 16.5.2022. The application is scheduled for consideration by 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 application form, SI and FIs in **Appendices I to Id**. They can be summarized as follows:

- (a) There is a lack of suitable sites in the New Territories for organizing tent camping activities for the people in Hong Kong. The Site is amongst a pristine environment and is easily accessible, thus is considered suitable for the proposed development.
- (b) The proposed development will enable local charitable and religious groups to provide opportunities for outdoor camping for educating its visitors, particularly the young, on environmental living. Through group activities, the visitors will learn to communicate and work with one another and to be self-sufficient. Proposed group activities include simple cooking, games, singing, dancing and various religious activities.
- (c) Endeavour will be given to avoid polluting the surrounding environment and addressing the fire safety aspect of the proposed development. Besides, given its small scale and nature, it is envisaged that the proposed development will unlikely result in significant adverse traffic impact. All activities will take place away from the nearby slopes and trees, and hence will not interfere with the local stream or watercourse in the vicinity.

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 was previously subject to a planning enforcement action (No. E/YL-PH/839) against unauthorized development involving use for place for parking of vehicles and storage use (**Plan A-2**). Reinstatement Notice (RN) was issued on 28.9.2020 to the concerned parties requiring the reinstatement of the site. A Compliance Notice was issued on 9.12.2021 and the Site is currently not subject to any active planning enforcement action. The Planning Authority will monitor the situation and take appropriate enforcement action if necessary.

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 “CA” zone in the vicinity of the Site.

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

7.1 The Site is:

- (a) partly paved, fenced and partly covered with weeds, with a portion in the east being used for parking of vehicles and storage; and
- (b) accessible from Fan Kam Road via a local access.

7.2 The surrounding areas have the following characteristics:

- (a) to its north, south and west are mainly woodland, apart from a residential structure/dwelling to the west, in the “CA” zone. It is also surrounded by a natural stream course to its north (**Plan A-2**). To its further west and northwest is the Lam Tsuen Country Park (located at a distance of about 30m) where woodland could be found (**Plans A-1 and A-3a**); and
- (b) to its east and southeast are vehicle workshops, storage yards, a few residential structures / dwellings and woodland. The workshops and

storage yards are suspected unauthorized development subject to enforcement action by the Planning Authority (**Plan A-2**).

8. Planning Intention

- 8.1 The planning intention of the “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. 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 the development is an essential infrastructure project with overriding public interest may be permitted.
- 8.2 It is stated in the Explanatory Statement of the OZP that only a selective range of uses such as public convenience and tent camping ground which would have insignificant impact on environment and infrastructural provision may be permitted on application to the Board.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments 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 II and III** respectively.
- 9.2 The following government departments have concern on the application.

Landscape

- 9.2.1 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):
- (a) according to the aerial photo of 2021, the Site is located in an area of settled valleys landscape character surrounded by dense vegetation and temporary structures (**Plan A-3a**). With reference to the aerial photos taken in previous years, vegetation within the Site was observed to be cleared in 2001 (**Plan A-3b**). Based on her site record taken in September 2021, the Site was partially hard-paved and partially covered by wild grass and shrubs. Some temporary structures and vehicles were observed in the eastern portion of the Site (**Plans A-2 and A-3a**). Trees of common species were observed to be scattered along the northern and southern site boundaries and in the eastern portion of the Site. No tree / vegetation of particular interest (i.e. OVT, DBH over or equal to 1m, rare / protected plant species) are observed within the

Site. The proposed use is considered not entirely incompatible with the surrounding environment;

- (b) despite the above, according to the applicant's site layout plan (**Drawing A-1**), the location of parking area for 10 vehicles has only been briefly indicated on the plan. With no information on the extent of parking area and whether tree protection measures would be provided for the existing tree(s) in close proximity to the parking spot(s), adverse impact on existing trees within the Site cannot be ascertained; and
- (c) CTP/UD&L, PlanD's other advisory comments are provided in the Recommended Advisory Clauses in **Appendix III**.

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

- (a) the Transport Department (TD) requested the applicant to provide trip generation and attraction of the proposed development and assess its traffic impact to Fan Kam Road. However, no sufficient technical information was provided by the applicant to demonstrate that the proposed development would not have adverse traffic impact to Fan Kam Road. In this regard, TD considers that the traffic impact issue has not been assessed and not properly addressed in the application;
- (b) nevertheless, should planning approval be given to the application, the following traffic-related approval conditions are required:
 - (i) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period; and
 - (ii) the submission of trip generation and attraction from/to the Site within 6 months from the date of planning approval to the satisfaction of his department or of the Board; and
- (c) C for T's other advisory comments are provided in the Recommended Advisory Clauses in **Appendix III**.

10. Public Comments Received During Statutory Publication Period (Appendix IV)

The application was published for public inspection. During the statutory public inspection period, three public comments were received from Designing Hong Kong Limited, Kadoorie Farm & Botanic Garden Corporation and an individual. The commenters object to the application mainly for the reasons that the Site had been cleared without planning permission and is a suspected "destroy first, development later" case; the Site is the subject of an on-going planning enforcement case (at the

time of planning application submission); the Site is located close to the Lam Tsuen Country Park, which will be adversely affected by the proposed use; there is insufficient information on the sewage and environmental aspects of the proposed development; and approval of the application will set an undesirable precedent.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary tent camping ground, which will be under private operation, for a period of 3 years at a site zoned “CA” on the OZP. The proposed use is not in line with the planning intention of the “CA” zone which is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. The subject strip of “CA” zone fronting Fan Kam Road serves to protect the hillslopes and woodland of the Lam Tsuen Country Park (**Plans A-2 and A-3a**). No strong planning justification has been given in the submission for a departure from the planning intention of the “CA” zone, even on a temporary basis.
- 11.2 The existing landscape character of the Site is mainly a rural and natural area surrounded by dense vegetation, a natural stream course, woodland, Lam Tsuen Country Park (the closest about 30m to the west) and some temporary structures. The CTP/UD&L of PlanD states that although the proposed development is considered not entirely incompatible with the surrounding environment, adverse landscape impact on the existing trees along the northern and southern site boundaries and in the eastern portion of the Site cannot be ascertained given that no information on the exact location and the extent of car parking area is provided. Besides, according to the aerial photos taken before, vegetation clearance within the Site was observed in 2001 and the temporary structures in the surrounding area within the “CA” zone are subject to planning enforcement action (**Plans A-2, A-3a and A-3b**).
- 11.3 C for T comments that the applicant has not submitted the required information, i.e. the trip generation and attraction and assessed the traffic impact to Fan Kam Road, to demonstrate that the proposed development would not result in unacceptable traffic impact on the surrounding area. In this regard, C for T considers that the traffic impact has not been assessed and properly addressed in the application. Other relevant government departments consulted, including DEP, DAFC, CE/MN of DSD and D of FS, have no adverse comment on the application.
- 11.4 The Site is not the subject of any previous application, and there is no similar application approved within the same “CA” zone in the vicinity of the Site. The approval of the application, even on a temporary basis, would result in a general degradation of the environment of the area, and cause adverse landscape and traffic impacts on the surrounding area.
- 11.5 Three public comments were received during the statutory consultation period raising objection to the application as stated in paragraph 10 above. In this regard, 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 does not support the application for the following reasons:

- (a) the application is not in line with the planning intention of the “CA” zone which is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development, and there is a general presumption against development in “CA” zone. No strong planning justification has been given in the submission to justify for a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate in the submission that the proposed development would not result in adverse landscape and traffic impacts on the surrounding area.

12.2 Alternatively, 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 15.7.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 5:00 p.m. on Sundays and 2:00 p.m. on Fridays (except summer vacation and public holidays), as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site during the planning approval period;
- (c) only private cars 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;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of trip generation and attraction from / to the Site within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 15.1.2023;
- (f) 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 15.1.2023;

- (g) in relation to (f) 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 15.4.2023;
- (h) in relation to (g) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) 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 15.1.2023;
- (j) in relation to (i) 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 15.4.2023;
- (k) if any of the above planning condition (a), (b), (c), (d) or (h) 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
- (l) if any of the above planning condition (e), (f), (g), (i) or (j) 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**.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments

Appendix I	Application form with plans received on 6.9.2021
Appendix Ia	SI received on 9.9.2021
Appendix Ib	FI received on 8.10.2021 and 11.10.2021
Appendix Ic	FI received on 5.1.2022
Appendix Id	FI received on 16.5.2022
Appendix II	Government departments' general comments
Appendix III	Recommended advisory clauses
Appendix IV	Public comments
Drawing A-1	Site layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3a	Aerial photo taken in 2021
Plan A-3b	Aerial photo taken in 2001
Plans A-4a and A-4b	Site photos

**PLANNING DEPARTMENT
JULY 2022**