

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/918

<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 2,457m 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>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary War Game Centre 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 war game centre with ancillary facilities for a period of 3 years. The Site falls within the “AGR” zone on the Pat Heung OZP (**Plan A-1**). According to the Notes of the OZP, the proposed use is neither a Column 1 nor Column 2 use in “AGR” zone. According to the covering Notes of the OZP, temporary use or development not exceeding a period of 3 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 is mostly vacant, deposited with a converted container and covered by weeds (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the proposed use involves the erection of 4 one to two storey structures with building height ranging from 4m to 7m and a total floor area of about 210m² for site office, storage room, restroom, 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 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 a local access. The site layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of a previous application (No. A/YL-PH/879) (details at

paragraph 5 below).

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

- (a) Application form with supplementary information received on 27.4.2022 **(Appendix I)**
- (b) Further Information (FI) received on 2.6.2022 **(Appendix Ia)**
- (c) FI received on 11.6.2022 **(Appendix Ib)**
- (d) FI received on 13.6.2022 **(Appendix Ic)**

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 FIs in **Appendices I to Ic**. They can be summarized as follows:

- (a) The proposed use is temporary in nature and will not frustrate the long-term planning intention of the “AGR” zone.
- (b) The Site is to provide an outdoor area for war game activities in Hong Kong and a venue for companies / organizations in organising team building and disciplinary training events.
- (c) The proposed development will not induce significant adverse traffic, environmental, drainage and fire safety impacts to the surrounding areas. Solid metal fencing will be erected at the boundary of the Site.
- (d) 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).

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

The applicant is not a “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 a site notice 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 the subject of a planning enforcement action (Case No. E/YL-PH/869) against

unauthorised development (UD) involving storage use (**Plan A-2**). Enforcement Notice and Reinstatement Notice were issued on 2.11.2021 and 30.3.2022 respectively to the concerned parties requiring discontinuation of the UD and reinstatement of the Site. The Planning Authority will monitor the situation and take appropriate enforcement action as appropriate.

5. Previous Application

The Site forms part of a previous application (No. A/YL-PH/879) for temporary shop and services (construction materials and metalware retail shop) submitted by the same applicant. The application was rejected by the Committee on 30.4.2021 mainly on considerations that the proposed development involving a large portion of the site for display of construction materials, metalware and tools in the open-air area was akin to an open storage which was not compatible with the rural character of the locality. Details of the previous application are summarized in **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Application

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

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

7.1 The Site is:

- (a) mostly vacant, deposited with a converted container and covered by weeds; and
- (b) accessible from Kam Tin Road via a local track.

7.2 The surrounding areas have the following characteristics:

- (a) to its north and northeast are grassland and graves and further northeast is the Lam Tsuen Country Park;
- (b) to its northwest and west are open storage yards and vacant land; and
- (c) to its south and southeast are open storage/ storage yards (two of which approved under Applications No. A/YL-PH/831 and 878), a residential structure/ dwelling, vacant land and the site approved for proposed temporary barbecue and picnic sites under application No. A/YL-PH/915.

8. Planning Intention

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.

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 has objection to / reservation on the application.

Agriculture and Nature Conservation

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

- (a) the Site falls within the “AGR” zone and is currently vacant. The agricultural activities are active in the vicinity, and 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, greenhouse, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the development proposal falling within the “AGR” zone is not supported from agricultural perspective; and
- (b) DAFC has no comment on the application from nature conservation perspective.

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

The application was published for public inspection. During the statutory publication period, two public comments from the Kadoorie Farm and Botanic Garden Corporation and an individual were received objecting to the application mainly on the grounds that the proposed development is not in line with the planning intention of the “AGR” zone; the Site is involved in a planning enforcement case; the proposed development would induce noise nuisance and pollution to the nearby environment; and the Site was the subject of a larger site rejected by the Committee for a different applied use.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary war game centre with ancillary facilities for a period of 3 years in the “AGR” zone. 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 the agriculture point of view as the Site possesses potential for agricultural rehabilitation. Nevertheless, it is considered that approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “AGR” zone.

- 11.2 The proposed use is considered not incompatible with the surrounding areas which are rural in character intermixed with open storage yards, grassland, a residential structure/dwelling and vacant land. The nearest residential dwelling is located about 40m to the south (**Plan A-2**). DEP has no objection to the application and advises that the applicant should avoid the use of public announcement system to minimize the potential noise nuisance to the nearby sensitive receivers, and provide the adequate facilities for proper collection, treatment and disposal of waste / wastewater generated.
- 11.3 Other relevant departments consulted including C for T, CE/MN of DSD, CTP/UD&L of PlanD and D of FS have no adverse comment on the application. It is envisaged that the proposed development would unlikely cause adverse traffic, drainage, landscape and fire safety impacts to the surrounding areas. According to DEP, there was no environmental complaint pertaining to the Site received in the past three years. Besides, the applicant states that boundary fencing will be provided along the site boundary and the war game activities will be confined within the fenced area. In this regard, it is not envisaged that the proposed use would generate off-site nuisance and/or disturbance to the nearby sensitive receivers. Appropriate approval conditions are also recommended in paragraph 12.2 below to minimize any potential nuisance and to address the technical requirements of concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on-site will be subject to enforcement action by the Planning Authority. Should the application be approved, 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’ issued by DEP.
- 11.4 The Site is the subject of a previous application (No. A/YL-PH/879) for proposed temporary shop and services rejected by the Committee in April 2021 which is not relevant to this application. There is no similar application within the same “AGR” zone in the vicinity of the Site.
- 11.5 Two public comments were received during the statutory publication period raising concerns/ objection to the application as set out in paragraph 10 above. In this regard, the departmental comments as well as the planning assessments and 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 comments mentioned in paragraph 10 above, the Planning Department considered that the proposed use 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 24.6.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 7:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) the provision of boundary fence on the Site, as proposed by the applicant, 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 24.12.2022;
- (c) the implementation of the accepted 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 24.12.2022;
- (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 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 24.12.2022;
- (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 the Director of Fire Services or of the Town Planning Board by 24.3.2023;
- (g) If any of the above planning condition (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; and
- (h) if any of the above planning condition (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.

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 development 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. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification 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 27.4.2022
Appendix Ia	FI received on 2.6.2022
Appendix Ib	FI received on 11.6.2022
Appendix Ic	FI received on 13.6.2022
Appendix II	Previous s.16 application covering the Site
Appendix III	General departmental comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
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
JUNE 2022**