

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-PS/648**

- Applicant** : OTG OnTheGo Limited represented by Lawson David and Sung Surveyors Limited
- Site** : Lots 284 (Part), 285 (Part), 286 (Part), 320 (Part), 321 and 323RP (Part) in D.D.126 and adjoining Government Land (GL), Fung Ka Wai, Ping Shan, Yuen Long, New Territories
- Site Area** : 4,225 m<sup>2</sup> (about) (including GL of about 289m<sup>2</sup> or 6.8%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19
- Zoning** : “Recreation” (“REC”)
- Application** : Temporary Drone Training Centre for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary drone<sup>1</sup> training centre for a period of 3 years. The Site falls within an area zoned “REC” on the draft Ping Shan OZP No. S/YL-PS/19 (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land or buildings 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 under the Notes of the OZP. The Site is currently fenced-off, partly hard-paved and partly covered with grass, and occupied for the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site involves 10 previous applications (No. A/DPA/YL-PS/3, 30, A/YL-PS/14, 40, 49, 247, 295, 369, 470 and 544) for various uses (**Plan A-1b**). The last application (No. A/YL-PS/544) covering the Site for temporary war game centre submitted by a different applicant was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 22.9.2017 for a period of 3 years. The planning permission lapsed on 23.9.2020.
- 1.3 The Site is accessible via a local track from Tin Wah Road and Tin Tsz Road (**Plan**

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<sup>1</sup> Drone is also known as Small Unmanned Aircraft (SUA).

**A-2 and Drawing A-1).** As shown on the layout plan at **Drawing A-2**, six temporary structures with a total floor area of about 518m<sup>2</sup> and building height of 1 to 2 storeys (2.5m to 5m) for training room, ancillary office, storeroom, rest area and washroom uses are proposed at the southwestern part of the Site. The remaining open area will be the drone training ground. According to the applicant, certificate courses will be organized for training and education purposes. Classes will be scheduled at 3 to 4 days per week with around 20 students per class and maximum of 30 participants at once for a full-day course. Five private car parking spaces are provided. The operation hours are from 9:00 a.m. to 6:00 p.m. every day. The vehicular access plan, layout plan and landscape plan are shown at **Drawings A-1 to A-3** respectively.

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

- (a) Application Form with attachments received on (Appendix I)  
11.10.2021
- (b) Supplementary Planning Statement (Appendix Ia)

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement (**Appendix Ia**). They can be summarized as follows:

- (a) The applicant, being the Hong Kong branch of DJI Academy which is a worldwide leading training institution of SUA, offers a comprehensive set of drone training courses. The courses combine the official Unmanned Aerial Systems Training Centre (UTC) curriculum designed by DJI Academy and the Hong Kong law and regulations context. The applicant has partnered with Hong Kong Productivity Council (HKPC) to provide certified courses. The applicant has also provided a wide range of tailor-made courses to his customers including companies and schools. With the recent introduction of the SUA Order in Hong Kong to regulate drone operation and usage, as well as his experience of collaborating with HKPC in offering certified courses, approval of this application will act as a desirable precedent for training centre for regulated use of drone.
- (b) The Site is a suitable venue for drone training because it is away from airport and aircraft approach, take-off paths and helicopter landing pads; away from populated and congested areas; flat enough to enable safe take-off and landing; and free from visual obstruction.
- (c) The applied use is similar in nature with uses under 'Place of Recreation, Sports or Culture' which is in line with the planning intention of the "REC" zone.
- (d) The applied use is compatible with the surrounding land uses and will not cause adverse drainage, traffic and environmental impacts on the surrounding areas.

## 3. **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 Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31A are not applicable.

#### **4. Town Planning Board Guidelines**

Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) are relevant. The Site falls within the Wetland Buffer Area (WBA) of TPB PG-No. 12C. The relevant assessment criteria are summarised as follows:

- (a) The intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds.
- (b) Within the WBA, for development or redevelopment which requires planning permission from the Board, an ecological impact assessment (EcoIA) would also need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

#### **5. Background**

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

#### **6. Previous Applications**

- 6.1 The Site is partly or wholly involved in 10 previous applications for various uses from 1994 to 2017. Except two applications (No. A/DPA/YL-PS/3 and A/YL-PS/247) rejected by the Committee/Board on review in 1994 and 2006 respectively, the other 8 applications (No. A/DPA/YL-PS/30, A/YL-PS/14, 40, 49, 295, 369, 470 and 544) were approved by the Committee from 1994 to 2017. Details of these previous applications are shown in **Appendix II** and their locations are shown on **Plan A-1b**.
- 6.2 Applications No. A/DPA/YL-PS/3 and 30 fell within the “Unspecified Uses” area (“U”) on the then Ping Shan Development Permission Area (DPA) Plan No. DPA/YL-PS/1 and covered the western part of the Site in a much larger site (about 11ha) for open storage of new vehicles. Application No. A/DPA/YL-PS/3 was rejected by the Board on review in May 1994 mainly on grounds, inter alia, of failure to address the drainage, visual, noise and traffic impacts while Application No. A/DPA/YL-PS/30 was later approved with conditions by the Committee in October 1994 for a period of 3 years on the considerations, inter alia, that there was no immediate alternative site available for open storage of new vehicles and ameliorative measures would be carried out to minimise adverse environmental impacts.
- 6.3 Applications No. A/YL-PS/14 and 40, covering more or less the same site as A/DPA/YL-PS/30 with the concerned area rezoned to “REC” and “V”, for temporary open storage of new vehicles for a period of 12 months had subsequently

been approved with conditions by the Committee between 1997 and 1998 on the considerations that approvals for similar or same uses were given and approval conditions of the previous applications were complied with, the temporary use would not frustrate permanent development of the application sites, the development would unlikely have significant adverse traffic and environmental impacts and relevant departments had no objection to the application.

- 6.4 Application No. A/YL-PS/49, covering the Site in a larger area (about 2.7 ha), for proposed golf driving range was approved by the Committee with conditions for a period of 3 years in 1999 mainly on considerations that the proposed development was in line with the planning intention, the proposed development was not incompatible with the surrounding land uses, and no significant adverse traffic, drainage and environmental impacts were anticipated.
- 6.5 Application No. A/YL-PS/247, covering the eastern part of the Site in a larger site (about 3.1 ha) involving the adjoining area zoned “Conservation Area” (“CA”) and “V”, for proposed temporary holiday camp development with ancillary facilities was rejected by the Committee in 2006 for the reasons that the proposed development was not in line with the planning intentions of the “CA” and “V” zones, no information was submitted to demonstrate no adverse drainage, sewerage, environmental, traffic and landscape impacts on the surroundings, and approval would set an undesirable precedent.
- 6.6 Applications No. A/YL-PS/295, 369, 470 and 544, covering the Site in a larger area (about 0.96 ha to 1.27 ha) zoned “REC” and “V”, for temporary war game centre were approved by the Committee with conditions for a period of 3 years each between 2009 and 2017 mainly on considerations that the applied use was generally in line with the planning intention of the “REC” zone and would not frustrate the long-term planning intention of the “V” zone, the applied use did not involve pond filling and would not have long-term or negative off-site disturbance impact on the ecological values of the fish ponds within the WCA, the applied use was unlikely to create significant adverse traffic, drainage and landscape impacts on the surrounding areas, and that fencing the site could avoid adverse impacts on the surrounding natural vegetation. However, the planning permission for Application No. A/YL-PS/470 was revoked on 16.6.2017 due to non-compliance with approval conditions.
- 6.7 Compared with the last approved application (No. A/YL-PS/544), the current application is submitted by a different applicant for different use on a smaller site.

## **7. Similar Application**

Within the same “REC” zone, there is no similar application.

## **8. The Site and Its Surrounding Areas (Plan A-2 to Plan A-4b)**

8.1 The Site is:

- (a) currently fenced-off, partly hard-paved and partly covered with grass and occupied for the applied use without valid planning permission; and
- (b) accessible via a local track from Tin Wah Road/Tin Tsz road (**Plans A-2 and A-3**).

8.2 The surrounding areas have the following characteristics:

- (a) to its north and east are the hilly area of Kai Shan zoned “CA”;
- (b) to its west and southwest are an open storage yard for vehicles with valid planning permission, open storage yards and parking of vehicles which are suspected unauthorized development (UD); and
- (c) to its southeast are the residential settlements of Fung Ka Wai.

## **9. Planning Intention**

The “REC” zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

## **10. Comments from Relevant Government Departments**

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

### **Land Administration**

10.1.1 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) No permission is given for occupation of the GL included in the Site (about 289m<sup>2</sup> subject to verification). The act of occupation of GL without Government’s prior approval is not allowed.
- (c) The private land of Lots 320, 321 and 323RP in D.D.126 are currently covered by Short Term Waivers (STW) No. 3645, 3646 and 3647 respectively for the purpose of ‘Temporary War Game Centre’.
- (d) The private land of Lots 285 and 286 both in D.D.126 is currently covered by STW No. 3648 for the purpose of ‘Temporary War Game Centre’.
- (e) Should planning approval be given to the application, the STW holders will need to apply to his office for modification of the STW conditions where appropriate. The lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Also, the applicant has to either exclude the GL from the Site or immediately apply for a formal approval prior to the actual occupation of the GL. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s)

will be considered. Application(s) of any of the above will be considered by LandsD acting in the capacity of 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/are approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

### **Traffic**

#### 10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. In addition, no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.
- (b) The Site is connected to the public road network via a local access which is not managed by Transport Department (TD). The land status of the local access road should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with relevant lands and maintenance authorities accordingly.

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

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public footpaths/drains.
- (b) The access road connecting the Site with Tin Wah Road/Tin Tsz Road is not and will not be maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Wah Road/Tin Tsz Road.

### **Environment**

#### 10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application.
- (b) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize potential environmental nuisance to the surrounding area.
- (c) There is one substantiated complaint pertaining to the Site on waste aspect received in the past 3 years.

### **Drainage**

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

- (a) He has no in-principle objection to the application from drainage point

of view.

- (b) It is noted that the applicant will maintain the existing drainage system for the previous application No. A/YL-PS/544. Should the Board consider that the application is acceptable from planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department.

### **Fire Safety**

#### 10.1.6 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 his department for approval.
- (c) The applicant should be reminded of the detailed comments at **Appendix IV**.

### **Landscape**

#### 10.1.7 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) According to the aerial photo of 2021 and site photos taken on 19.10.2021, the Site is partly paved with existing temporary structures at the southern portion of the Site, and partly vegetated with grass at the remaining portion of the Site. The Site is situated in an area of miscellaneous rural fringe landscape character predominated by tree groups, open storage yards and temporary structures. The applied use is considered not incompatible to the landscape character of the surrounding area. In view that significant adverse landscape impact arising from the applied use is not envisaged, he has no objection to the application from landscape planning perspective.
- (b) Detailed departmental comments are at **Appendix IV**.

### **Building Matters**

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

As there is no record of approval granted by the Building Authority for the existing structures at the Site, he is not in a position to comment on the suitability for the applied use in the application. The applicant should be reminded of his detailed comments at **Appendix IV**.

### **Aviation Safety**

#### 10.1.9 Comments of the Director General of Civil Aviation (DGCA):

- (a) To foster development and applications of SUA in tandem with the evolving technology, he renders his support in setting up the SUA training venue.
- (b) The applicant should observe the Civil Aviation Department requirements and general safety guidelines for SUA operations. .
- (c) Detailed departmental comments are at **Appendix IV**.

### **District Officer's Comments**

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

His office has not received any comment from the locals on the application.

#### 10.2 The following government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (d) Project Manager(West), CEDD (PM/W, CEDD);
- (e) Director of Electrical and Mechanical Services (DEMS);
- (f) Director of Leisure and Cultural Services (DLCS); and
- (g) Commissioner of Police (C of P).

## **11. Public Comments Received During Statutory Publication Period**

11.1 On 19.10.2021, the application was published for public inspection. During the statutory public inspection period, four public comments from HKPC, Hong Kong Science and Technology Parks Corporation (HKSTP), the Ping Shan Rural Committee and an individual were received (**Appendices III-1 to III-4**).

11.2 One individual provides comment on the application that it is uncertain about the degree of expertise of the applicant to provide drone training programmes and it is uncertain about the small number of car parking spaces proposed.

11.3 The other commenters support the application with the following reasons:

- (a) The Site is located away from nearby village and residential areas. It is compatible with the surrounding open storage yards, recreation facilities and car parks. The applied use will not cause nuisance and safety issues to the surrounding areas.
- (b) As Cap. 448G Small Unmanned Aircraft Order will come into operation in June 2022, HKSTP and HKPC support a drone training centre which is at reasonable distance from highly populated areas.



## 12. Planning Considerations and Assessments

- 12.1 The application is for temporary drone training centre for a period of 3 years at the Site zoned “REC” on the OZP. The “REC” zone is intended primarily for recreational developments for the use of the general public. Although the applied use is not entirely in line with the planning intention of the “REC” zone, there is no known development programme for the Site in the “REC” zone. Moreover, DGCA renders his support in setting up the SUA training venue. Approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “REC” zone.
- 12.2 The Site is situated in an area of miscellaneous rural fringe landscape character predominated by tree groups, open storage yards and temporary structures. The applied use is not entirely incompatible with the surrounding areas.
- 12.3 The Site falls within the WBA under the TPB PG-No. 12C. The intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the WCA which lies in close proximity of the Site and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds. Within the WBA, for development or redevelopment which requires planning permission from the Board, an EcoIA would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA. DAFC has no comment on the application from ecological point of view. In this regard, it is considered that the application is not in conflict with the TPB PG-No. 12C.
- 12.4 Relevant government departments, including C for T, CE/MN of DSD, CTP/UD&L of PlanD, DEP, D of FS and DGCA have no objection to or no adverse comment on the application. The applied use will unlikely create significant adverse traffic, drainage, landscape, environmental, fire safety and aviation safety impacts on the surrounding areas. To minimize any potential environmental nuisances and to address the technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the possible environmental impacts on the nearby sensitive receivers and also to observe the general safety guidelines for flying SUA in order to ensure aviation safety.
- 12.5 Eight previous approvals for open storage of new vehicles or temporary war game centre were granted for the Site and its adjoining area since 1994. As compared with these applications, the current application is for a different use on a smaller site, and no adverse comments are raised from concerned government departments on the relevant technical aspects. There is no similar application within the same “REC” zone.
- 12.6 There are four public comments received on the application (**Appendices III-1 to III-4**) supporting/providing comments on the application on the grounds as summarized 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 considers that the temporary drone training centre could be tolerated for a period of 3 years.
- 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 3 years until 10.12.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no operation from 6:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) only private cars, as defined in the Road Traffic Ordinance, is allowed to enter/exit or to be parked/stored on the Site at any time during the planning approval period;
- (c) the existing boundary fencing on the Site shall be maintained at all times 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 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 with **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 conditions (a), (b), (c) or (f) 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
- (j) if any of the above planning conditions (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 IV**.

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

the applied use is not in line with the planning intention of the "REC" zone, which is intended primarily for recreational developments for the use of the general public. No strong planning justification has been given in the submission to depart from the planning intention, even on a temporary basis.

**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**

<b>Appendix I</b>	Application Form with attachments received on 11.10.2021
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix II</b>	Previous s.16 Applications covering the Site
<b>Appendices III-1 to III-4</b>	Public Comment
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Landscape Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2021**