

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

**APPLICATION NO. A/YL-PS/668**

- Applicant** : Akki Bike Park Limited represented by PlanArch Consultants Limited
- Site** : Lots 64 and 66 in D.D. 122 and Lots 137, 138, 139, 140 (Part), 141 (Part), 142 (Part), 150 (Part), 153 and 156 in D.D. 126, Ping Shan, Yuen Long
- Site Area** : 6,000m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19 (at the time of submission)  
  
Approved Ping Shan OZP No. S/YL-PS/20 (currently in force)
- Zoning** : “Recreation” (“REC”)  
[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]  
  
(no change to the zoning and restrictions under the current OZP)
- Application** : Proposed Filling of Land for Permitted Place of Recreation, Sports or Culture (Mountain Bike Training Ground) with Ancillary Shop and Services

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed filling of land for permitted place of recreation, sports or culture (mountain bike training ground) with ancillary shop and services at the application site (the Site). The Site falls within an area zoned “REC” on the OZP (**Plan A-1**). According to the Notes of the OZP for “REC” zone, ‘Place of Recreation, Sports or Culture’ is a Column 1 use which is always permitted. However, filling of land requires planning permission from the Town Planning Board (the Board). The Site is currently vacant with some extent of land filling without valid planning permission (**Plans A-2, A-4a and 4b**).
- 1.2 The Site is accessible via a local track from Yung Yuen Road (**Plans A-2 and A-3**). According to the applicant, the proposed area of land filling is about 810m<sup>2</sup> (about 13.5% of the Site) with a depth of about 0.4-2.5m for the formation of technical features including pumps, berms and jump at the proposed mountain bike

training ground (**Drawing A-3**). Stone, rocks, soil or mud will be used for the filling of land.

- 1.3 As part of the permitted recreational use, two structures with a total gross floor area of about 1,550m<sup>2</sup> and building height of 1-2 storeys (4.8-8m) are proposed for shelter for main practice zone and ancillary office/shop and services/viewing deck/storage uses on the Site. The proposed shop and services will include bike rental, purchase and repair, as well as sale of bike equipment and gears. Five private car parking spaces for staff/coach use and one loading/unloading space for light goods vehicle will be provided. The operation hours will be from 10:00 a.m. to 8:00 p.m. from Mondays to Sundays including public holidays. Advanced booking will be required and it is envisaged that not more than 100 and 300 visitors will be accommodated at the Site during weekdays and at weekends/public holidays respectively. The location and vehicular access plan, site plan and proposed layout plan are at **Drawings A-1 to A-3** respectively.
- 1.4 The Site is involved in one previous application (No. A/YL-PS/90) (details at paragraph 5 below).
- 1.5 In support of the application, the applicant submitted the following documents:
  - (a) Application Form with attachments received on 5.8.2022 (**Appendix I**)
  - (b) Planning Statement (**Appendix Ia**)
  - (c) Further Information (FI) received on 5.10.2022\* (**Appendix Ib**)
  - (d) FI received on 7.11.2022\* (**Appendix Ic**)

*\*accepted and exempted from publication requirements*
- 1.6 On 23.9.2022, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer a decision on the application as requested by the applicant for two months.

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

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

- (a) The proposed mountain bike training ground is in line with the Government's sports development policy and meets the demand for such facility in Hong Kong.
- (b) The proposed mountain bike training ground and associated filling/formation works are in line with the planning intention of the "REC" zone.
- (c) Minimal land filling works are proposed to form the technical features required for the proposed mountain bike training ground.
- (d) The proposed mountain bike training ground is compatible with the surrounding uses and will bring benefits to the community.
- (e) No adverse traffic, environmental, drainage and visual impacts are anticipated.

(f) Approval of the current application will not set an undesirable precedent.

### **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 publishing newspaper notices. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site is the subject of an active planning enforcement action (Case No. E/YL-PS/745) against unauthorized development (UD) involving filling of land (**Plan A-2**). Enforcement Notice was issued on 13.9.2022 requiring the discontinuance of the UD by 27.9.2022. Reinstatement Notice was issued on 28.9.2022 requiring reinstatement of the concerned land (i.e. removal of debris, leftovers and fill materials, and grassing of the land) by 28.12.2022. The Site is being closely monitored under established practice.

### **5. Previous Application**

The Site is involved in one rejected application (No. A/YL-PS/90) for container vehicles and trailers park use which is not relevant to the current application. Details of the previous application are summarised at **Appendix II** and the location is shown on **Plan A-1**.

### **6. Similar Application**

There is no similar application within the same “REC” zone on the OZP.

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

7.1 The Site is:

- (a) vacant with some extent of land filling without valid planning permission; and
- (b) accessible via a local track from Yung Yuen Road.

7.2 The surrounding areas have the following characteristics. Some of the uses are suspected UD’s subject to enforcement by the Planning Authority:

- (a) to its north are vacant/unused land, residential dwellings and a warehouse;
- (b) to its east are vacant/unused land and a permitted burial ground;
- (c) to its south are open storage yards, residential dwellings and vacant/unused land; and
- (d) to its west and northwest across Ha Mei San Tsuen Road are a carpark, an open storage yard and vacant/unused land.

## **8. Planning Intention**

- 8.1 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.
- 8.2 As filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

## **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; and
  - (b) his advisory comments are at **Appendix III**.

### **Traffic**

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

She has no in-principle objection to the application and her advisory comments are at **Appendix III**.

### **Environment**

- 9.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) she has no objection to the application;
- (b) there are three substantiated environmental complaints pertaining to the Site regarding waste aspect in the past three years; and
- (c) her advisory comments are at **Appendix III**.

### **Landscape**

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

- (a) according to the revised Layout Plan showing the landscape proposal in the FI (**Drawing A-3**), the applicant proposed to preserve the existing trees and vegetation along the northern, eastern and southern

boundaries of the Site. Moreover, the applicant proposed 26 new trees (species: *Schefflera octophylla*) along the periphery, and 10 new trees (species: *Schefflera octophylla*) with shrub planting strips (species: *Schefflera arboricola*) to the south of the “Main Practice Zone” of the Site;

- (b) based on the site photos of August 2022, some trees at the northern portion and some self-seeded vegetation at the centre portion of the Site were removed and the area was covered by bare soil. Vegetation clearance of the northern and centre portions of the Site and part of the proposed filling of land had already taken place; and
- (c) she has no comment from landscape planning perspective.

### **Drainage**

9.1.5 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; and
- (b) should the Board consider that the application be acceptable from planning point of view, approval condition(s) should be stipulated requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to his satisfaction.

### **Geotechnical**

9.1.6 Comments of the Head of Geotechnical Engineering Office of Civil Engineering and Development Department (H(GEO), CEDD):

He has no adverse comment on the application and his advisory comments are at **Appendix III**.

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

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

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

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Project Manager (West), CEDD (PM(W), CEDD);
- (e) Commissioner of Police (C of P);
- (f) Director of Fire Services (D of FS);
- (g) Director of Leisure and Cultural Services (DLCS);
- (h) Director of Food and Environmental Hygiene (DFEH); and

- (i) Director of Electrical and Mechanical Services (DEMS).

## **10. Public Comment Received During Statutory Publication Period**

On 12.8.2022, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix IV**) supporting recreational use at the Site while expressing concerns on the extent of covered area and tree felling.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed filling of land for permitted place of recreation, sports or culture (mountain bike training ground) with ancillary shop and services at the Site zoned “REC” on the OZP, which is intended primarily for recreational developments for the use by the general public. According to the applicant, the proposed filling of land, involving an area of 810m<sup>2</sup> (about 13.5% of the Site) and depth of about 0.4-2.5m, is to facilitate the formation of technical features including pumps, berms and jump at the proposed mountain bike training ground. The proposed scale of land filling is considered not excessive or unreasonable to support the permitted mountain bike training ground. In this regard, the proposed filling of land for mountain bike training ground is considered in line with the planning intention of “REC” zone.
- 11.2 The requirement for planning permission for filling of land within “REC” zone is to address the possible drainage impact on the adjacent areas and adverse impacts on the environment. In this regard, CE/MN, DSD has no in-principle objection to the application and approval conditions could be imposed to address his requirements on the drainage aspect.
- 11.3 Other relevant government departments including DEP, C for T and H(GEO), CEDD have no objection to or no adverse comment on the application. The proposed filling of land will unlikely create significant adverse environmental, traffic and geotechnical impacts on the surroundings. CTP/UD&L, PlanD also has no comment from landscape planning perspective. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.4 One public comment was received during the statutory publication period supporting the proposed use while expressing some concerns on the application as stated in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.3 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 has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **25.11.2026**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is

commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a drainage proposal before commencement of the land filling works on the Site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) in relation to (a) above, the implementation of the drainage proposal and maintenance of the implemented drainage facilities upon completion of land filling works on the Site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) if any of the above planning condition (a) or (b) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory Clauses

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

12.3 There is no strong reason to recommend rejection of the application.

**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 date when the validity of the permission should expire.
- 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**

<b>Appendix I</b>	Application Form with Attachments received on 5.8.2022
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	FI received on 5.10.2022
<b>Appendix Ic</b>	FI received on 7.11.2022
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Advisory Clauses
<b>Appendix IV</b>	Public Comment
<b>Drawing A-1</b>	Location and Vehicular Access Plan
<b>Drawing A-2</b>	Site Plan
<b>Drawing A-3</b>	Proposed Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2022**