

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/317

<u>Applicant</u>	: Sky Beauty Agriculture Research Limited represented by Office For Fine Architecture Limited
<u>Site</u>	: Lots 1016 and 1018 in D.D. 106, Shek Kong, Yuen Long
<u>Site Area</u>	: About 2,302.3 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	: “Agriculture” (“AGR”)
<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 sites (the Site) for proposed temporary tent camping ground for a period of 3 years. The Site falls within an area zoned “AGR” on the approved Shek Kong OZP (**Plan A-1**). According to the Notes of the OZP, ‘Tent Camping Ground’ is neither Column 1 nor Column 2 use. Nevertheless, temporary use or development of any land or building not exceeding a period of 3 years may be allowed with permission from the Town Planning Board (the Board). The Site is currently vacant and mainly covered with weeds/vegetation.
- 1.2 The Site comprises two portions, i.e. the northwestern and southeastern portions accounting for about 40% and 60% of the whole site area respectively (**Plan A-2**). According to the applicant, the proposed development consists of 34 tent sites (13 tents in the northwestern portion while 21 tents in the southeastern portion) and 6 single-storey structures with a building height of not more than 3m, and a total non-domestic floor area of about 32.25m², which will be used for storage and toilet to support the tent camping ground use (**Drawing A-1**). The proposed tent camping ground will operate 24 hours daily. No car parking space will be provided on-site. The Site is accessible via a local access branching off from Shek Kong Airfield Road (**Plan A-2**). The layout plan, vehicular access plan and photomontage showing the proposed development submitted by the applicant are at **Drawings A-1 to A-3**.

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

- (a) Application Form received on 10.9.2021 **(Appendix I)**
- (b) Further information (FI) received on 25.10.2021 **(Appendix Ia)**
(exempted from publication)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ia**, and are briefly summarised as follows:

- (a) the proposed development is intended to promote environmental-friendly life, which can provide more opportunities for the public to keep in touch with nature and help to form a slow living lifestyle in the city;
- (b) the proposed development is compatible with the surrounding rural environment. It only involves 6 single-storey structures with a building height of not more than 3m, and a total non-domestic floor area of about 32.25m². The maximum number of visitors will be 150 persons. Only portable toilets and movable containers for storage will be used to reduce impacts to the environment. There will be staff on-site to provide services. The waste generated from the development/visitors will be collected once a week by waste pumping trucks;
- (c) the proposed development will provide greenery area which is in line with planning intention of “AGR” zone. The existing trees on-site will be untouched. Good quality land will be retained. According to the lease, the lot is allowed to be used for agricultural use and hence the proposed use still complies with the lease; and
- (d) the proposed use will not generate heavy traffic, and the expected vehicular traffic and pedestrian flow generated by the visitors will be low. The nearest bus stop and MTR station from the Site are about 425m and 1.6km respectively. The visitors are suggested to visit the Site by taking taxi or public transportation such as bus or MTR. Moreover, the proposed development of tent camping ground would not involve any heavy goods vehicles. As such, no car parking or loading/unloading space is required.

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 (the Ordinance) (TPB PG-No. 31A) by obtaining consent of the current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Application

There is no previous application in respect of the Site.

6. Similar Application

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

7. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3, and site photos on A-4a to A-4b)

7.1 The Site :

- (a) comprises two portions, i.e. the northwestern and southeastern portions, and both are currently vacant and mostly covered with weeds/vegetation; and
- (b) is accessible via a local access branching off from Shek Kong Airfield Road.

7.2 The surrounding areas are predominantly rural in character and intermixed with fallow farmland, orchard, domestic dwellings/structures, and vacant/unused land (Plans A-2 and A-3):

- (a) to its immediate north are several domestic dwellings/structures, unused land and a local access branching off from Shek Kong Airfield Road, and to its further north is the Airfield of Shek Kong Barracks;
- (b) to its east and northeast are fallow farmlands and unused lands; and
- (c) to its south and west are several pieces of vacant/unused land and domestic dwellings/structures.

8. Planning Intention

The planning intention of the “AGR” zone is 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 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) the Site comprises an Old Schedule Agricultural Lot 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) the Site falls within the Shui Lau Tin Site of Archaeological Interest (**Plan A-1**); and
- (c) should planning approval be given to the subject planning application, the lot owner(s) will need to apply to his office to permit the structure(s) to be erected or regularise any irregularities on site, if any. Besides, given the applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as 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 approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.

Traffic

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

having regard to the FI (**Appendix Ia**), he has no comment on the application from traffic engineering perspective.

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

- (a) HyD shall not be responsible for the maintenance of any access connecting the Site and Shek Kong Airfield Road; and
- (b) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Agriculture and Nature Conservation

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

- (a) the Site falls within “AGR” zone and is currently comprised of vegetable fields and abandoned land. Agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site is under active cultivation and possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view; and
- (b) taking into account the FI (**Appendix Ia**), it is noted that a 5m buffer zone will be provided between the watercourse and the Site (**Drawing A-1**), and general environmental protection measures (e.g. no littering) will be adopted on-site to prevent polluting the nearby watercourse. As such, he has no strong view against the application from nature conservation perspective.

Landscape

9.1.5 Comments of the Chief Town Planner/Urban Design & Landscape, PlanD (CTP/UD&L, PlanD):

- (a) based on aerial photo of 2021, the Site is located in an area of rural inland plains landscape character surrounded by farmlands, temporary structures and clusters of trees. The application involves accommodation of 34 tents and erection of 6 single-storey structures with building heights of not more than 3, for storage, farming class and toilet uses within the Site. According to record, an application (No. A/YL-SK/153) located to the further northwest of the Site for temporary youth activity center with ancillary car park was approved by the Board in 2009 within the same “AGR” zone (**Plan A-1**); the proposed temporary tent camping ground under this application is considered not entirely incompatible with the surrounding environment;
- (b) with reference to site photos taken on 17.9.2021, the Site is vacant and mostly covered by wild grass/vegetation, two existing trees are observed in the southeastern portion of the Site (**Plan A-2**). Based on the layout plan provided by the applicant, significant adverse landscape impact arising from the proposed development is not anticipated. In view of the above, he has no objection to the application from the landscape planning perspective; and
- (c) the applicant should be advised that approval of the application does not imply approval tree works such as pruning, transplanting and felling under lease. The applicant is reminded

to seek approval for any proposed tree works, if any, from relevant departments prior to commencement of the works.

Environment

9.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) he has no objection to the application from environmental planning perspective, subject to the approval condition of ‘no public announcement system or any form of audio amplification system is allowed to be used on the Site during the planning approval period’;
- (b) the applicant is advised to (i) follow the relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site” to minimize any potential environmental nuisance; (ii) provide adequate supporting infrastructure/ facilities for proper collection, treatment and disposal of waste/ wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of his department’s Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” including percolation test; and (iii) it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances; and
- (c) there is no environmental complaint in relation to the Site received by DEP in the past three years.

Drainage

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

- (a) he has no objection in-principle to the proposed development from the public drainage point of view; and
- (b) should the Board consider that the application is acceptable from the planning point of view, conditions should be stipulated in the approval letter requiring the applicant the submission of a drainage proposal and the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board.

Water Supplies

9.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no objection to the application;

- (b) the existing water mains will be affected (**Plan A-2**). The cost of any necessary diversion shall be borne by the proposed development; and
- (c) his detailed comments are at **Appendix III**.

Building Matters

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

- (a) for unauthorised building works (UBW) erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the Buildings Ordinance (BO); and
- (b) his detailed comments are at **Appendix III**.

Archaeological and Built Heritage Conservation

9.1.10 Comments of the Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (AMO), Development Bureau (Ex Secy(A&M), DEVB):

- (a) he has no objection in principle to the planning application from the archaeological and built heritage conservation perspective; and
- (b) the applicant is required to inform AMO immediately when any antiquities or supposed antiquities under the Antiquities and Monuments Ordinance (Cap. 53) are discovered in the course of works.

Fire Safety

9.1.11 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. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location where the proposed FSI to be installed should be clearly marked on the layout plans; and

- (c) the applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. Licensing requirements, if any, shall be formulated upon receipt of formal application via the Licensing Authority.

District Officers' Comments

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

he has not received any comment from locals upon close of consultation and he has no comment on the application.

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

- (a) Project Manager/West, Civil Engineering and Development Department (PM/W, CEDD);
- (b) Director of Electrical and Mechanical Services (DEMS); and
- (c) Commissioner of Police (C of P).

10. Public Comments Received During Statutory Publication Period

On 17.9.2021, the application was published for public inspection. During the three-week statutory publication period, a total of 10 public comments were received, 7 of which are in a standard letter format from a Yuen Long District Council Member, one Indigenous Inhabitant Representative and one Resident Representative of Shui Lau Tin Tsuen and four local residents (**Appendix II-a**); two comments from a local resident and an individual (**Appendix II-b**) and one comment from Kadoorie Farm & Botanic Garden Corporation (**Appendix II-c**). They object to the application mainly on the grounds that the proposed use is unlikely to be in line with the planning intention of “AGR” zone; the approval would set a precedent for similar applications in such an area of having active farmlands; the proposed development would worsen the traffic condition and increase the risk of traffic accident, damage the local ecology, and cause environmental/noise impact and flooding problem.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary tent camping ground use at the Site for a period of 3 years (**Plan A-1**). The planning intention of the “AGR” zone is 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. Although the proposed development is not entirely in line with the planning intention of the “AGR” zone and DAFC does not support the application from the agricultural point of view as the Site possesses agricultural rehabilitation potential, the proposed tent camping ground is temporary in nature to provide passive recreational use with movable tents. It is considered that temporary

approval of the application would not frustrate the long-term planning intention of the “AGR” zone.

- 11.2 The proposed development consisting of 34 tent sites and 6 temporary single-storey structures is considered not entirely incompatible with the surrounding environment which is predominantly rural in character mixed with agricultural land, unused land and scattered residential structures.
- 11.3 According to the applicant, no car parking space will be provided. The applicant indicates that the expected vehicular traffic and pedestrian flow generated by the visitors will be very low. Relevant Government departments consulted, including C for T, DEP, D of FS, CE/MN of DSD, and CTP/UD&L of PlanD have no adverse comment on/no objection to the application from traffic, environmental, fire safety, drainage and landscape perspectives. It is anticipated that the proposed development would not have significant adverse traffic, environmental, fire safety, drainage and landscape impacts on the surrounding areas. To minimise the possible environmental nuisance generated by the proposed use, an approval condition restricting the use of public announcement system and audio amplification system within the Site is recommended in paragraph 12.2 (a) below. The technical requirements of CE/MN of DSD and D of FS could be addressed by appropriate approval conditions in paragraphs 12.2 (b) to (f) below. Besides, the applicant will be advised to observe the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact.
- 11.4 Regarding the 10 public comments received during the statutory publication period, the departmental comments and the planning considerations and assessments 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 in paragraph 10 above, the Planning Department considers that the temporary tent camping ground 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 29.10.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no public announcement system or any form of audio amplification system is allowed to be used on the Site during the planning approval period;
- (b) 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 29.4.2022;

- (c) in relation to (b) 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 29.7.2022;
- (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 installation 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 29.4.2022;
- (f) in relation to (e) above, the implementation of the fire service installation 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 29.7.2022;
- (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;
- (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; and
- (i) upon the 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 at **Appendix III**.

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

the occupation of the Site for tent camping ground 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 of the "AGR" zone, 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 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 received on 10.9.2021
Appendix Ia	Further information (FI) received on 25.10.2021
Appendices II-a to II-c	Public Comments
Appendix III	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Photomontage showing the Proposed Development
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2021**