

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/324

<u>Applicant</u>	:	Sky Beauty Agriculture Research Limited represented by Office for Fine Architecture Limited
<u>Site</u>	:	Lots 999 S.A, 1000 S.B and 1009 in D.D. 106 and Adjoining Government Land, Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	:	About 2,616.64 m ² (including about 17 m ² of Government Land)
<u>Land Status</u>	:	(i) Block Government Lease (demised for agricultural use) (about 99.4% of the Site) (ii) Government Land (about 0.6% of the Site)
<u>Plan</u>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Temporary Holiday Camp and Ancillary Teaching Centre and Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary holiday camp and ancillary teaching centre and office for a period of three years at the application site (the Site). The Site falls within an area zoned “AGR” on the approved Shek Kong OZP No. S/YL-SK/9. According to the Notes of the OZP, ‘Holiday Camp’ is neither Column 1 nor Column 2 use while temporary use or development of any land or building not exceeding a period of three years may be allowed with permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 According to the applicant, there are 33 temporary structures with a total floor area of about 804.7 m² and height of not more than 3m erected within the Site. The structures include 12 camping tents, 8 movable containers (for ancillary office, teaching centre and meter room), 3 movable tents (for storage of

sundries and equipment) and 10 portable toilets (**Drawing A-1**). The operation hours of the holiday camp is 24 hours daily. The Site is accessible via a local access road branching off from Shek Kong Airfield Road (**Plan A-2**). Visitors are suggested to visit the Site by taking public transportation or taxis. No car parking space is provided on-site. The ancillary teaching centre will provide programs to educate the visitors and public on preserving the ecosystem. No food will be provided on-site by the operator. There will be regular septic pumper truck services to handle the sewage and waste in the holiday camp every week. The 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 received on 10.2.2022 (Appendix I)
- (b) Planning Statement (Appendix Ia)
- (c) Further Information (FI) received on 27.5.2022 (Appendix Ib)

1.4 In view of COVID-19 and the latest special work arrangement for government departments announced by the government, the Rural and New Town Planning Committee (the Committee), on 1.4.2022, agreed to defer making a decision on some of the applications, including Application No. A/YL-SK/324. The application is now 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 planning statement and FI at **Appendices Ia and Ib** respectively as summarized below:

- (a) the applied use is intended to promote environmental-friendly life, which could provide more opportunities for the public to keep in touch with nature, experience the rural culture and slow living lifestyle in the city;
- (b) holiday camp use could meet the increasing demand for local outdoor activities from the public and visitors;
- (c) the holiday camp would provide greenery area which is in line with planning intention of “AGR” zone. Good quality land would be retained. The applied use could make a better use of the existing land resource; and
- (d) the applied use would not generate heavy traffic, and the expected vehicular traffic flow generated by the visitors would be low. The visitors are suggested to visit the Site by taking taxis or public transportation. Prior online booking is required for the tent camping service. No adverse traffic impact is anticipated on the surrounding areas.

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

The applicant is not a “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 obtaining consents of the current land owners. Detailed information would be deposited at the meeting for Members’ inspection. For Government Land, the requirements as set out in TPB PG-No. 31A are not applicable.

4. **Background**

The Site is subject to an active planning enforcement case (No. E/YL-SK/238) (**Plan A-2**) against an unauthorized development (UD) involving use for tent camping ground. Enforcement Notice was issued on 23.9.2021 requiring discontinuation of the UD. Since the UD was found not discontinued upon expiry of the Notice, the concerned notice recipient may be subject to prosecution action.

5. **Previous Application**

There is no previous application in respect of the Site.

6. **Similar Application**

There is a similar application (No. A/YL-SK/317) for proposed temporary tent camping ground within the same “AGR” zone on the OZP. The application was approved with conditions by the Committee for a period of three years on 29.10.2021 on the considerations that temporary approval of the application would not frustrate the long-term planning intention of the “AGR” zone; it was considered not incompatible with the surrounding areas and would unlikely generate significant adverse impacts; relevant government departments had no adverse comment on the application; and the technical concerns/requirements of the relevant government departments could be addressed by the approval conditions. Details of the similar application is summarized at **Appendix II** and the location is shown on **Plan A-1**.

7. **The Site and Its Surrounding Areas (Plans A-1 to A-4b)**

7.1 The Site is:

- (a) currently used for the applied use without valid planning permission; and
- (b) accessible via a local access road branching off from Shek Kong Airfield Road.

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

- (a) to its immediate north is a local access road branching off from Shek Kong Airfield Road, and to its further north is the Airfield of Shek Kong Barracks;
- (b) to its immediate east are a holiday camp site without valid planning permission (under a planning enforcement case No. E/YL-SK/238) and plant nursery; and
- (c) to its south and west are active/fallow farmland, vacant/unused land and scattered 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 Apart from the government department as set out in paragraph 9.2 below, other bureau/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 the application:

Agriculture and Nature Conservation

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

- (a) the 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 possesses potential for agricultural rehabilitation, the development proposal is not supported from agricultural point of view; and
- (b) from nature conservation point of view, DAFC has no comment on the application.

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

The application was published for public inspection. During the statutory public inspection period, a total of 11 public comments were received from Kadoorie Farm & Botanic Garden Corporation, the Conservancy Association, a Yuen Long District Council Member, the Indigenous Inhabitant Representative and the Resident Representative of Shui Lau Tin Tsuen, 5 local villagers and an individual. They raise objection to/concerns about the application mainly on the grounds that the applied use is not in line with the planning intention of “AGR” zone; approval of the application will set an undesirable precedent for similar cases; it will result in adverse traffic, noise and environmental impacts, thereby affecting the living quality and safety of the local community.

11. Planning Considerations and Assessments

- 11.1 The application is for a temporary holiday camp with ancillary teaching centre and office for a period of three years at the Site zoned “AGR” (**Plan A-1**). 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. Although the applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application as the Site has potential for agricultural rehabilitation, the applied use is temporary in nature to provide passive recreational use with movable tents and ancillary temporary structures. It is considered that approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “AGR” zone.
- 11.2 The applied use consisting of 12 camping sites and 21 single-storey temporary structures with a total floor area of 804.7 m² is considered not incompatible with the surrounding environment which is predominantly rural in character intermixed with active/fallow farmland, vacant/unused land and domestic structures.
- 11.3 According to the applicant, no car parking space will be provided. The applicant indicates that visitors are suggested to visit the Site by public transportation or taxis. 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 objection to/no adverse comment on the application. It is anticipated that the applied use would not have significant adverse traffic, environmental, fire safety, drainage and landscape impacts on the surrounding areas. The technical requirements of CE/MN of DSD and D of FS could be addressed by approval conditions in paragraph 12.2. Besides, the applicant would be advised to follow the latest “Code of Practice on Handling the

Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP.

- 11.4 There is a similar application (No. A/YL-SK/317) for temporary tent camping ground near the Site within the same “AGR” zone, which was approved by the Committee in 2021. The Committee’s considerations on the similar application as stated in paragraph 6 above are generally applicable to the current application. Approval of this application is in line with the previous decision of the Committee.
- 11.5 Regarding the public comments on the application as detailed in paragraph 10 above, government departments’ comments and planning 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 mentioned in paragraph 10, the Planning Department considers that the temporary holiday camp and ancillary teaching centre and office could be tolerated for a period of three 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 three years until 1.6.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) 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 **1.12.2022**;
- (b) in relation to (a) 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 **1.3.2023**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) 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 **1.12.2022**;
- (e) in relation to (d) 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 **1.3.2023**;

- (f) if the above planning condition (c) 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
- (g) if any of the above planning conditions (a), (b), (d) or (e) 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 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, 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, 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 for renewal of the planning 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 reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form received on 10.2.2022
Appendix Ia	Planning statement
Appendix Ib	FI received on 27.5.2022
Appendix II	Similar application
Appendix III	Government departments' general comments

Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and A-4b	Site photos

**PLANNING DEPARTMENT
JUNE 2022**