

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

**APPLICATION NO. A/YL-SK/337**

<b><u>Applicant</u></b>	:	Sky Beauty Agriculture Research Limited represented by Allgain Land Administrators (Hong Kong) Limited
<b><u>Site</u></b>	:	Lots 1001 (Part), 1002 (Part) and 1006 (Part) in D.D. 106, Lots 627 (Part), 629 S.B (Part), and 630 (Part) in D.D. 112, Shui Lau Tin Tsuen, Shek Kong, Yuen Long
<b><u>Site Area</u></b>	:	About 6,840m <sup>2</sup>
<b><u>Lease/ Land Status</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Shek Kong Outline Zoning Plan No. S/YL-SK/9
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	Proposed Temporary Holiday Camp 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 holiday camp with ancillary facilities for a period of 3 years (**Plan A-1**). The proposed use is neither a Column 1 nor Column 2 use for the “AGR” zone. According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is partly vacant and a partly under minor works (**Plans A-2 to A-4c**).
- 1.2 According to the applicant, the proposal involves 23 1-storey structures with building height of not more than 6m within the Site for temporary tent, shelter, greenhouse (for appreciation of plants and greenery only without farming or agricultural activities), canteen (for visitors consuming self-brought food /beverages or those purchased from vending machines), washroom, staff office, storage, and other ancillary uses. The total non-domestic floor area is about 1,040 m<sup>2</sup>, with 14 private car parking spaces and 2 loading/unloading bays for light goods vehicles not exceeding 5.5 tonnes each. The proposed development will accommodate a maximum of 5 staff and 30 visitors per day. The operation hours will be between 9 a.m. to 6 p.m. daily (except for visitors staying overnight at the

Site), including public holidays. The Site is accessible from Shek Kong Airfield Road (**Plan A-2**). The layout plan submitted by the applicant is at **Drawing A-1**. The Site is not subject to any previous application.

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

- (a) Application Form with attachments received on (Appendix I)  
31.10.2022
- (b) Supplementary Information (SI) received on 10.11.2022 (Appendix Ia)
- (c) Further Information (FI) received on 9.12.2022 (Appendix Ib)
- (d) FI received on 19.12.2022 (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, FI and SI at **Appendices I to Ic** respectively and summarized below:

- (a) The Site had not been used for agricultural purpose for many years. The proposed development will utilize the Site with only passive recreational uses, and will be compatible with the surrounding environment. Temporary permission of the proposed development for a period of 3 years will not jeopardize the planning intention of the “AGR” zone;
- (b) The proposed structures will be placed on flat ground without any filling of land;
- (c) The proposed holiday camp will involve a maximum of 5 staff and 30 visitors per day. Activities that visitors can undertake include appreciation of plants displayed inside the greenhouses (with no farming/agricultural activities taking place) and other passive recreational activities. Staff members will leave after working hours (9 a.m. to 6 p.m.) whilst visitors will stay overnight;
- (d) Visitors will bring their own food, or may purchase food/beverages from on-site vending machines. The canteen will only provide a space for consumption of such foods and beverages. Wastes generated will be regularly collected and disposed of by a contractor. Septic tanks will be used to treat the sewage generated;
- (e) The Site is accessible from Shek Kong Airfield Road. It will involve 2 loading/unloading bays for light goods vehicles not exceeding 5.5 tonnes each, and 14 private car parking spaces that will be used by staff and visitors only; and
- (f) No trees will be felled. No adverse environmental (including air quality and noise), sewage, drainage, fire safety, landscaping and traffic impacts will arise from the proposed development.

### 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 sending notice to the Pat Heung Rural Committee by registered mail and posting notice at the Site. 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 planning application at the Site.

### 6. **Similar Applications**

There are two similar applications within the same “AGR” zone on the OZP. Application No. A/YL-SK/317 was for a proposed temporary tent camping ground for a period of 3 years, and application No. A/YL-SK/324 was for a proposed temporary holiday camp and ancillary teaching centre and office for a period of 3 years. Both were approved with conditions by Rural and New Town Planning Committee (the Committee) of the Board in 2021 and 2022 respectively on similar considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone, the proposed development was not incompatible with the surrounding environment, and relevant departments had no objection to/no adverse comment on the application. Details of these similar applications are summarized at **Appendix II** and the locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) partly vacant and partly under minor works; and
- (b) accessible from Shek Kong Airfield Road.

7.2 The surrounding areas are predominantly rural in character intermixed mostly with a camp site, cultivated / fallow agricultural land, orchard, plant nursery, storage yard, domestic structures, parking of vehicles and vacant land; (**Plans A-1 to A-3**):

- (a) to its south and west are a camp site (with valid planning permission under application No. A/YL-SK/324), plant nursery, orchard, cultivated / fallow agricultural land and vacant land. To its further southwest is another camp site (with valid planning permission under application No. A/YL-SK/317);

- (b) to its east in the same “AGR” zone and the adjacent “Village Type Development” (“V”) zone are vacant land, storage, parking of vehicles and domestic structures; and
- (c) to its north is a local access road, nullah and Shek Kong Airfield Road. To its further north is the Shek Kong Barracks (not covered by any outline zoning plans).

## 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

Government departments consulted *generally* have no objection to or no adverse comment on the application. *While the Director of Agriculture, Fisheries and Conservation does not support the application from agricultural perspective, he has no objection on the application from nature conservation perspective.* Their comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

## 10. Public Comments Received During Statutory Publication Period

The application was published for public inspection. During the statutory public inspection period, 8 public comments were received from residents of Shui Lau Tin Tsuen, Kadoorie Farm & Botanic Garden Corporation, the Conservancy Association, World Wide Fund for Nature Hong Kong and an individual. They raised objection to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone and it would set an undesirable precedent; the proposed development had been developed and operating illegally over the years, and it is a suspected ‘destroy first, build later’ case; there is no information on the extent of land filling, number of visitors, details on the canteen, and how the sewerage, drainage and waste disposal issues would be handled; it will result in adverse impacts (including those related to the environment, traffic, public hygiene, waste disposal and public security); and the operating hours of the proposed development will be of nuisance to nearby residents (**Appendices V-1 to V-8**).

## 11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary holiday camp with ancillary facilities at the Site for a period of 3 years. 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 use is not in line with the planning intention of the “AGR” zone, and DAFC does not support the planning application from agricultural perspective, it is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone.

- 11.2 According to the applicant, the proposed temporary holiday camp with ancillary facilities will accommodate a maximum of 5 staff and 30 visitors per day. The applicant has also stated that there is no filling of land involved, all wastes will be regularly collected by a contractor, and septic tanks will be used to treat the sewage. The proposal comprising multiple 1-storey structures with building height of not more than 6m is considered not incompatible with the surrounding land uses which are predominantly rural in character intermixed mostly with two camp sites to the immediate west and further southwest (with valid planning permissions), cultivated / fallow agricultural land, orchard, plant nursery and vacant land (**Plan A-2**). Relevant government departments consulted, including C for T, DEP, DFEH, CTP/UD&L of PlanD, CE/MN of DSD, D of FS and C of P have no objection to/no adverse comment on the application. DEP advises that although there was a substantiated miscellaneous complaint received in 2021, the problem had been rectified and no prosecution action was initiated (see paragraph 3 of **Appendix III**). The Site is also not subject to any active planning enforcement action. It is anticipated that the proposed use would not have significant adverse traffic, environmental, waste disposal and environmental hygiene, landscape, drainage, fire safety and public security impacts on the surrounding areas. The technical requirements of CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 12.2 (a) to (e). Besides, the applicant will be advised to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental nuisance.
- 11.3 There are two similar applications for proposed temporary tent camping ground and temporary holiday camp and ancillary teaching centre and office within the same “AGR” zone approved by the Committee in 2021 and 2022 respectively on grounds as stated in paragraph 6 above. The Committee’s considerations as stated in paragraph 6 are generally applicable to the current application, and approval of this application is in line with the previous decisions of the Committee.
- 11.4 Regarding the 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 mentioned in paragraph 10, the Planning Department considers that the proposed temporary holiday camp with ancillary facilities 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 23.12.2025. 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 23.6.2023**;
- (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 **23.9.2023**;
- (c) 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 **23.6.2023**;
- (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 **23.9.2023**;
- (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 condition (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 use 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. 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.

- 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**

<b>Appendix I</b>	Application Form with Attachments Received on 31.10.2022
<b>Appendix Ia</b>	SI Received on 10.11.2022
<b>Appendix Ib</b>	FI Received on 9.12.2022
<b>Appendix Ic</b>	FI received on 19.12.2022
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Government Departments' Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendices V-1 to V-8</b>	Public Comments
<b>Drawing A-1</b>	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 to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2022**