



Our Ref.: PD2402001/04

Your Ref.:

26 April 2024

By Email

Town Planning Board Secretariat
15/F, North Point Government Offices,
333 Java Road,
North Point,
Hong Kong

Dear Sir/Madam,

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE
PROPOSED TEMPORARY EATING PLACE AT DEMARCATION DISTRICT NO. 80
LOT NO. 37 (PART) FOR A PERIOD OF 3 YEARS

We refer to our submission made on 15 March 2024.

We would like to withdraw our early submission under our ref. PD2402001/03. Attached our updated planning statement with figures.

Should you require further information or have any query, please feel free to contact the undersigned or Emily Hui at 2586 1737.

Yours faithfully,
For and on behalf of
LCH Planning & Development Consultants Limited

Junior Ho *RPS RPP*
Director

Encl.
c.c. the Applicant



Executive Summary

(in case of discrepancy between English and Chinese versions, English version shall prevail)

This Application is submitted to the Town Planning Board (“**the Board**”) under Section 16 of the Town Planning Ordinance (“**the Ordinance**”) for a proposed temporary Eating Place for a period of 3 years (“**the Proposed Development**”) at Demarcation District No. 80 Lot No. 37 (Part) (“**the Application Site**”).

The Application Site falls within an area of “Recreation” (“**REC**”) zone on the Approved Ta Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/2 (“**the OZP**”). Upon approval of the Proposed Development, the existing one-storey structure will be converted to temporary eating place purpose. The proposed building height of about 3.5 m and the total floor area is about 93 m².

The Application is critical to support the provision of catering services to the approved camping site. It also echoes Northern Metropolis Action Agenda to support eco-tourism opportunities and the boundary economy of the Heung Yuen Wai Boundary Control Point. The Proposed Development support the long-term planning intention of “**REC**”. Similar applications in the “**REC**” zone in the Ta Kwu Ling North area have also been considered and approved. There will be no adverse traffic, visual, landscape, drainage and environmental impacts.

In view of the above justifications, we would sincerely seek the favourable consideration of the Board to approve this Application.



內容摘要

(如內文與其英文版本有差異，則以英文版本為準)

本規劃申請根據《城市規劃條例》第 16 條，就丈量約份第 80 約地段第 37 號的部分地段 (下稱「申請地點」) 的用地，向城市規劃委員會 (下稱「城規會」) 申請作擬議臨時食肆，為期 3 年 (下稱「擬議發展」)。

申請地點現時於《打鼓嶺北分區計劃大綱圖編號 S/NE-TKLN/2》(下稱「大綱圖」) 劃作「康樂」地帶。申請獲准後，擬議發展包括將一個一層高的構築物改作為臨時食肆用途。擬議構築物的高度約 3.5 米，總樓面面積約為 93 平方米。

申請對於支持已經批准及營運中的營地可否提供餐飲服務至關重要。申請亦響應北部都會區行動綱領 2023，支持生態旅遊機會以及香園圍邊境管制站附近的邊界經濟發展。擬議發展支持打鼓嶺北「康樂」地帶的長遠規劃意向。而且於打鼓嶺北的「康樂」地帶亦已有不少相關申請曾被批准。擬議發展亦不會對交通、視覺、景觀、排水和環境造成不利影響。

鑒於以上提出的依據，我們真誠地尋求城規會批准該申請。



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1 INTRODUCTION

1.1 The Application

- 1.1.1 We are commissioned by the Applicant to prepare and submit on its behalf this planning application for a proposed temporary 'Eating Place' for a period of 3 years (hereinafter referred to as the "**Proposed Development**") at Lot No. 37 in Demarcation District No. 80 (part) (hereinafter referred to as the "**Application Site**") to the Town Planning Board ("**the Board**") under Section 16 of the Town Planning Ordinance ("**the Ordinance**").
- 1.1.2 The Application Site falls within an area designated as "Recreation" ("**REC**") zone on the Approved Ta Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/2 ("**the OZP**") (**Figure 4**). According to the Notes of the OZP for "REC" zone, 'Eating Place' is a Column 2 use that may be permitted by the Board.
- 1.1.3 According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.



2 THE APPLICATION SITE AND DEVELOPMENT PROPOSAL

2.1 Land Status

2.1.1 The Application Site falls within the boundary of Lot No. 37 in Demarcation District No. 80 (part) (“the Lot”) (**Figure 3**).

2.1.2 The Application Site is subject to a Short Term Waiver No. 1638 dated 7 November 2022 which covers the various lots in D. D. 80 for the purpose of Holiday Comp with associated facilities. According to the Short Term Waiver, the concerned Lots are restricted to a maximum total built-over area of 830.5 sq. m. and a maximum height of 6 m and 2 storeys of the building(s) or structure(s) erected on the Lots.

2.2 Current Condition of the Application Site

2.2.1 The Application Site covers an area of about 93 square metres (“sq. m.”). There is an existing one-storey structure erected on the Site.

2.2.2 The Application Site is attached to two local access road on its north and east which links to unnamed road that eventually connects to Lin Ma Hang Road. The Site is situated at the north of Lin Ma Hang Road and southwest of Pak Fu Shan. Besides, it is located at the northeast of Heung Yuen Wai Boundary Control Point.

2.2.3 **Figure 1** illustrates the location of the Application Site and its immediate vicinity, with **Figure 2** illustrates the site plan.

2.3 Park Nature Hillside

2.3.1 The Application Site and the surrounding area is operated as a camping site known as ‘Park Nature Hillside’, which is operated by the Applicant. It is a stylish camping site that provide eco-tourism opportunities in the boundary area.

2.3.2 The Application Site is currently designated for campers to cook their meals during their stays in the camping site. The dining area has been designated with store room to serve this area.

2.3.3 The campsite operator originally intended to utilize the Application Site as an dining area of the camping site to serve the campers by applying relevant food licences. The kitchen, specifically serving the campers, could be considered as ancillary facilities to the camping site purpose, which is permitted under the “REC” zone. However, the Applicants faced challenges in applying relevant food licences from Food and Environmental Hygiene Department, and hence, to submit this Application in order to obtain relevant food licences.

2.4 Surrounding Context

2.4.1 Ta Kwu Ling is a sub-urban area located northern area in the New Territories which is comprised of multiple villages. The predominant land uses are vehicle parking, storage, temporary and domestic structures, as well as



vacant land. Ta Kwu Ling forms one of three new development areas currently being planned for North District, in parallel with Fanling North and Kwu Tung North. Ta Kwu Ling North is positioned to the north of Tsung Yuen Ha Chuen. The area is accessible via Lin Ma Hang Road in Ta Kwu Ling North, which is the major road in Ta Kwu Ling North. The major transportation mode is by bus or minibus, connecting Ta Kwu Ling North to several MTR stations and public minibus terminal.

2.4.2 The Application Site is located at the northern edge of Ta Kwu Ling, with village houses, temporary structures and car parks surrounding the site. Tsung Yuen Ha is situated between the middle and eastern section of Ling Ma Hang Road. Going south along the Ling Ma Hang is Chuk Yuen, and further east is Ha Heung Yuen.

2.4.3 Since the Application Site is entirely situated within the camping site, the ingress/egress to the Application Site would pass through the main gate of the camping site in the Southern tip, connecting to the Lin Ma Hang Road.

2.5 The Proposal

2.5.1 It is proposed to convert the existing structure to a single-storey temporary eating place, and there is no major change on this existing use. The construction of the structure has been completed and is expected to be commenced upon approval of this application.

2.5.2 The structure is comprised of one block structure. The area schedule are summarized as below:

<u>Area Schedule</u>	
No. of Structure	1
Height	About 3.5m
Floor Area	<u>About 93 sq.m.</u> For Eating Place

Refer to **Figure 5** for the indicative layout plan.

2.5.3 The Proposed Development will be managed and operated by the same operator of "Park Nature Hillside". In addition to accommodating the campers at the adjacent camping site, the kitchen will also open to the public, serving the nearby visitors. To tally with the operation of the camping site, it is intended to operate 24 hours, from Monday to Sunday including public holidays.

2.5.4 **Nevertheless, the current scheme of the Proposed Development is in a smaller development scale as compared to the approved campsite scheme that was submitted during the Short Term Waiver application. The relevant campsite scheme was submitted to various Government Departments for approval of Short Term Waiver No. 1638. The Application Site has been designated for kitchen/ staff quarter/ storage use with about 297 sq.m. floor area already. Upon review by the operator, this Application now propose a smaller floor area for eating place purpose. The only difference is that Proposed Development will accommodate non-campers as well.**



- 2.5.5 The Proposed Development will serve both campers and non-campers. The priority will be given to the registered campers as this is the major purpose of this Application. Thus, the customer base is estimated to consist of a higher proportion of campers compared to non-campers.
- 2.5.6 Since the Proposed Development is situated entirely within the camping site, the staff of the camping site will provide first screening on the non-campers. Besides, the non-campers are not allowed to enter the camping site without permission.
- 2.5.7 Taking into consideration that the single-storey structure on the Application Site will be the sole structure present on the Lot, it satisfies the special conditions of the Short Term Waiver. No modification of the existing Short Term Waiver is expected.

2.6 Existing Transport Services

2.6.1 Existing public transport services to the vicinity are shown below:

<u>Mode</u>	<u>Route No.</u>	<u>Origin - Destination</u>	<u>Frequency</u>
Scheduled Green Minibus	59K	Sheung Shui Station Public Minibus Terminus - Chuk Yeun	35 - 45 minutes
	59S	Sheung Shui Station Public Minibus Terminus - Heung Yuen Wai Boundary Control Point (HYWBCP)	25 - 35 minutes
Franchised Bus	B7	Fanling Station - Heung Yuen Wai Port	10 - 20 minutes
	B8	Tai Wai Station - Heung Yuen Wai Port	30 minutes
	B9	Tuen Mun Station - Heung Yuen Wai Port	60 minutes
	79K	Sheung Shui - Ta Kwu Ling (Tsung Yuen Ha)	15-35 minutes

2.6.2 It only takes about 5 minutes to walk from the Application site to the HYWBCP, by going through the subway from the bus stop along Lin Ma Hang Road.



3 PLANNING ASSESSMENT

3.1 Statutory Planning Context

- 3.1.1 The Application Site falls within an area designated as “Recreation” (“REC”) zone on the Approved Ta Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/2 (**Figure 3**) (also known as the “OZP”). The planning intention of the “REC” zone is “intended primarily for low-density recreational developments for the use of the general public”.
- 3.1.2 According to Notes of “REC” zone of OZP, ‘Eating Place’ is a Column 2 use under “REC” zone. According to the Notes of the OZP, temporary use not exceeding a period of three years within “REC” zone requires planning permission from the Town Planning Board notwithstanding that the use is not provided for in terms of the Plan.
- 3.1.3 Approval of this application on a temporary basis for a period of 3 years would follow the long-term planning intention of the “REC” zone, indeed, would support the provision of low-rise recreational development, which is the existing camping site.

<u>S/NE-TKLN/2</u>	
<u>RECREATION</u>	
Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use	Animal Boarding Establishment
Barbecue Spot	Broadcasting, Television and/or Film Studio
Field Study/Education/Visitor Centre	Eating Place
Government Use (Police Reporting Centre only)	Flat
Holiday Camp	Golf Course
On-Farm Domestic Structure	Government Refuse Collection Point
Picnic Area	Government Use (not elsewhere specified)
Place of Recreation, Sports or Culture	Helicopter Landing Pad
Public Convenience	Hotel
Rural Committee/Village Office	House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes)
Tent Camping Ground	Place of Entertainment
	Private Club
	Public Utility Installation
	Public Vehicle Park (excluding container vehicle)
	Religious Institution
	Residential Institution
	Shop and Services
	Theme Park
	Utility Installation for Private Project
	Zoo

(Source: Town Planning Board, HKSAR Government)



S/NE-TKLN/2

RECREATION (cont'd)

Planning Intention

This zone is intended primarily for low-density 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 low-density recreational developments may be permitted subject to planning permission.

Remarks

- (a) No residential development (except 'New Territories Exempted House') shall result in a total development in excess of a maximum plot ratio of 0.2 and a maximum building height of 2 storeys.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio/building height restrictions stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (c) Any diversion of streams or filling of pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

(Source: Town Planning Board, HKSAR Government)

3.2 Similar Approved Applications for Eating Place/ Commercial Use

3.2.1 There are two similar applications for temporary eating place in the vicinity of the Application Site which falls within "REC" zone approved by the Town Planning Board in 2021, which are Application No. A/NE-TKLN/39 and A/NE-TKLN /23.

3.2.2 Application No. A/NE-TKLN/39 is situated on Lin Ma Hang Road at the east of HYWBCP, serving mainly the staff and workers of HYWBCP. Another Application No. A/NE-TKLN/23 is situated at the immediate west of the Application Site, serving only the users within the parent-child play area. The details of the two applications are summarized as follows:

Application No.	A/NE-TKLN/39	A/NE-TKLN/23
Date	28/05/2021	05/02/2021
Applied Use	Proposed Temporary Retail Shop, Canteen and Ancillary Office for a Period of 3 Years	Proposed Temporary Place of Recreation, Sports or Culture (Parent-Child Play Area), Eating Place, Shop and Services for a Period of 5 Years
Site Area	270.5 sq. m.	5,147 sq. m.
Maximum Building Height	3.5 m	6.25 m



Decision	Approved with condition(s) on a temporary basis	Approved with condition(s) on a temporary basis
Expire Date	28/05/2024	05/02/2026

3.2.3 There are also a few planning applications for commercial use in support of the boundary economy, as approved by the Board recently.

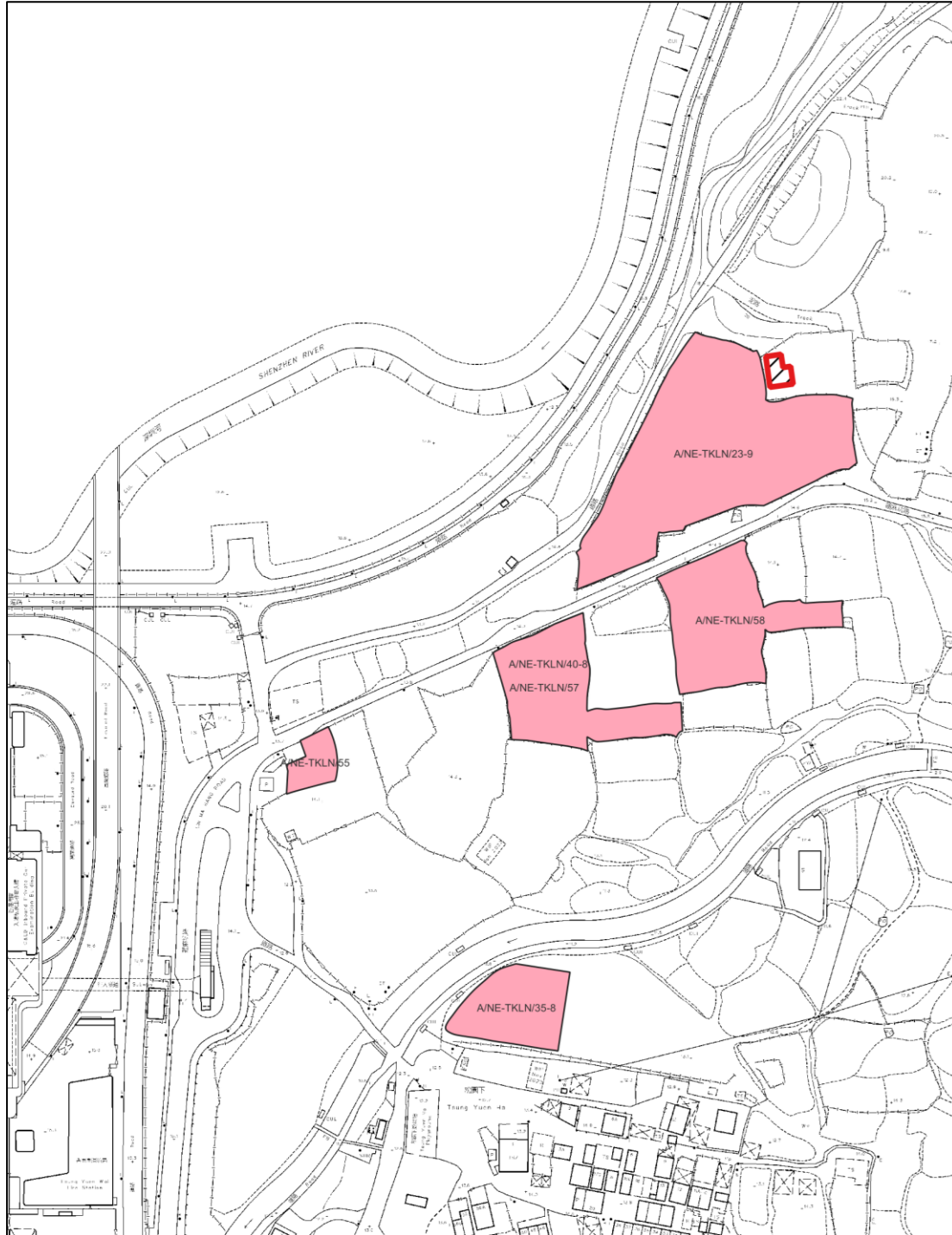


Diagram 1 Approved Commercial Use Applications in the Vicinity (Source: Town Planning Board & HK GEODATA STORE, HKSAR Government)



3.3 Environmental Consideration

3.3.1 The Applicant will follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental impact. No adverse environmental impact is anticipated. Nevertheless, the Applicant will apply relevant food licences which will comply with relevant regulations as well.

3.4 Visual Compatibility

3.4.1 The Application Site is situated in area of rural village landscape character which are surrounded by temporary structures and car parks. The proposed kitchen is single storey and has a maximum height of 3.5 m which is compatible with the surrounding use and will not disturb the prevailing rural village landscape character. There is no existing tree within the Application Site.

3.5 Drainage Consideration

3.5.1 Upon the grant of Short Term Waiver, a drainage proposal was submitted to the Drainage Services Department, and was approved already. Resultant drainage works has been conducted in regards to the approved drainage proposal.

3.5.2 There is no substantial change in the campsite development proposal submitted for the approval of Short Term Waiver as compared to the Proposed Development, there should be no drainage impact from this planning application upon the implementation of the approved drainage proposal.

3.6 Traffic Consideration

3.6.1 The comprehensive transport system in the nearby HYWBCP increase the accessibility of the Application Site. It is expected that the potential visitors without a car would access the Application Site by public transport from the HYWBCP.

3.6.2 For the cross-boundary travellers transiting with their vehicles, they would park their vehicles in the surrounding public vehicle parks which provide at least 190 car parking spaces, or else in the carpark of the HYWBCP. The planning applications of the public vehicle parks in the vicinity approved by Town Planning Board in the past years are summarized as follows:

Application No.	Approval Date	Total No. of Vehicles Parking Spaces Provided
A/NE-TKLN/45	29/07/2022	42
A/NE-TKLN/53	23/06/2023	69
A/NE-TKLN/57	22/09/2023	24
A/NE-TKLN/58	22/09/2023	26
A/NE-TKLN/67	27/10/2023	18
A/NE-TKLN/70	27/10/2023	11



- 3.6.3 The traffic trips of the cross-boundary travellers have already been reflected in the approved planning applications for public vehicle parks. It is anticipated that no traffic trips for cross-boundary travellers would be generated nor attracted due to the Proposed Development.
- 3.6.4 As the Proposed Development aims to mainly serve the nearby campers, their traffic trips have been considered and reflected during the grant of the concerned Short Term Waiver.

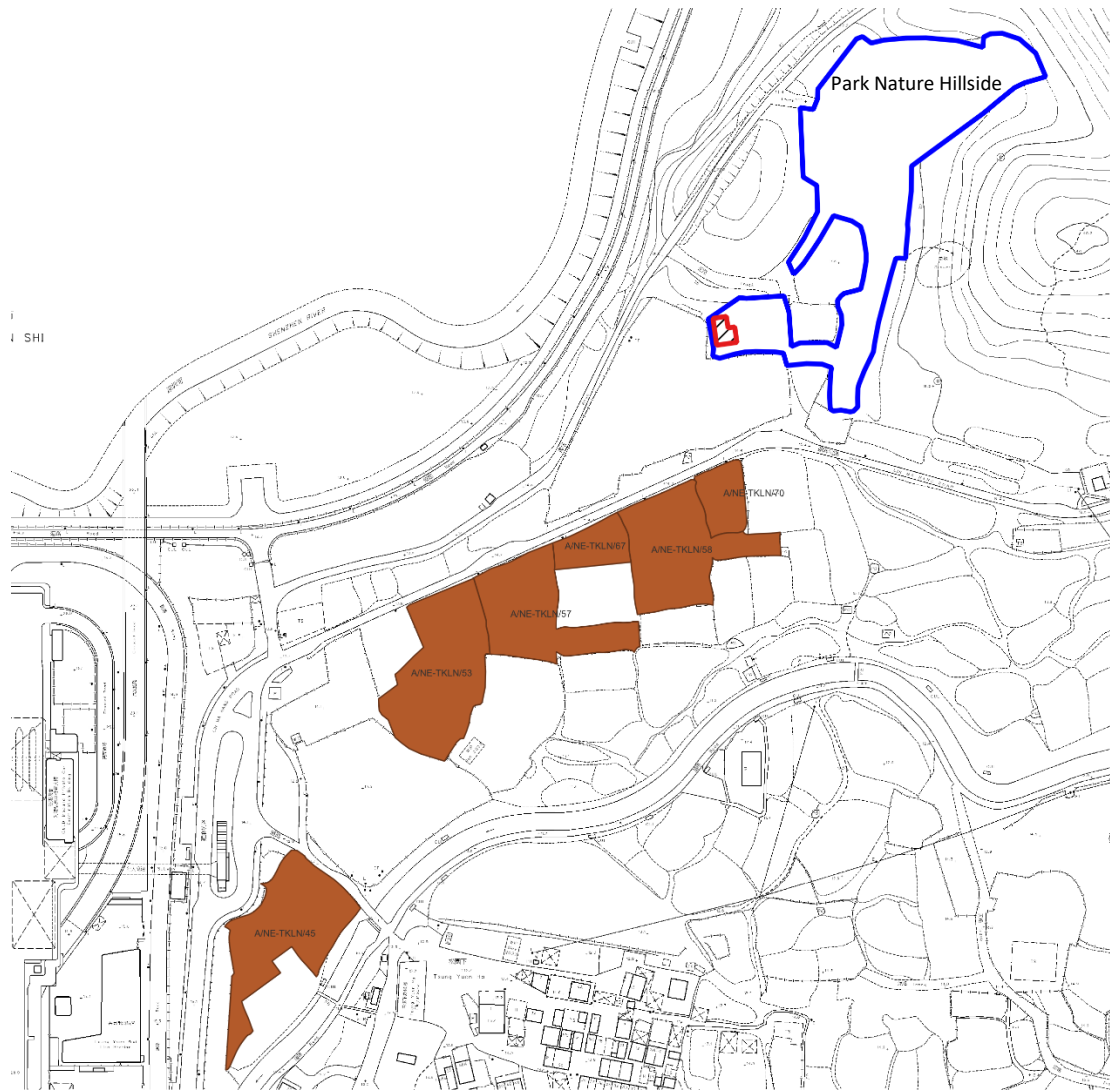


Diagram 2 Approved Public Vehicle Parks in the Vicinity (Source: Town Planning Board & HK GEODATA STORE, HKSAR Government)

- 3.6.5 There is no additional loading/ unloading bay to serve the Proposed Development. The Proposed Development will utilize the existing loading/ unloading bay as provided under the camping site only. Relevant swept path analysis is at **Figure 6**.



4 PLANNING MERITS & JUSTIFICATIONS

4.1 Prerequisite to Provide Catering Service to the Campers

4.1.1 Currently, the Applicant could not provide kitchen services to its customers, which is not satisfactory in the recreational facilities. This Application is critical to provide normal catering service to the campers of Park Nature Hillside. With the approval of this Application, the Applicant can then apply relevant food licences from the Food and Environmental Hygiene Department.

4.2 Moderate Needs of the Cross-boundary Travellers

4.2.1 In addition to serving the campers on the adjacent camping site, the Proposed Development could also cater minor needs of cross-boundary travellers. Due to the resumption of normal travel in the post-pandemic era and the increasing cooperation and development between Hong Kong and Mainland China, there is a rising demand for dining options and accessible eateries in the vicinity.

4.3 Echo with Northern Metropolis Action Agenda 2023

4.3.1 The Proposed Development shall strengthen the eco-tourism opportunities as promoted in the Northern Metropolis Action Agenda. Besides, catering the needs of the cross-boundary travellers also support the boundary economy. Currently there is no particular supporting facilities in the vicinity of the HYWBCP. The Proposed Development can support the development of the Boundary Commerce and Industry Zone as detailed in the Northern Metropolis Action Agenda 2023. Thus, this application demonstrates significant planning merit.

4.4 Convenient Location for Eating Place

4.4.1 The Application Site is located in a convenient location which is situated within 5 minutes walking distance to the HYWBCP and the approved public vehicle parks. The cross-boundary travellers can easily walk to the HYWBCP via the underground tunnel.

4.4.2 There is also a public transport interchange for franchised buses, green minibuses and taxis in HYWBCP, and numerous vehicle parks in the vicinity. The high accessibility and availability of these transport options provide flexibility for visitors to convenient rest and enjoy a meal at the proposed canteen.

4.5 Support the Long-term Planning Intention

4.5.1 Approval of the application on a temporary basis for a period of 3 years would not jeopardize the long-term planning intention of the "REC" zone. With respect to the OZP, the Application Site is designated for recreational purposes as it has low environmental and scenic values. As the Application Site is currently used as an ancillary outdoor cooking/ dining area of the adjacent camping site, this Application will not change the existing use of the



Application Site while optimizing the use of land resources which is compatible with the surrounding environment.

4.6 Supported by Previous Planning Approvals of Similar Applications

4.6.1 Planning context has substantially changed upon the full commission of HYWBCP. There were two similar applications of temporary eating within the same "REC" zone in the Ta Kwu Ling North area approved with conditions by the Committee in the recent years. Besides, temporary commercial use like shop and services are supported by the Board as well. Therefore, with the support of previous project approvals under similar circumstances, the proposed temporary eating place is not inconsistent with the surrounding land uses and it is unlikely to generate adverse impacts to the surrounding area.

4.7 Compatible with the Surrounding Development with No Adverse Visual and Landscape Impact

4.7.1 The temporary eating place and is visually compatible with the surrounding environment as well as the camping site. No tree felling is anticipated. There is no change to the rural village landscape character as well. No adverse visual and landscape impact is anticipated.

4.8 No Adverse Traffic Impact

4.8.1 The proposed temporary eating place will not incur adverse traffic impact. No traffic trip is expected to be generated from the cross-boundary travellers as they will park their vehicles in the surrounding public vehicle parks. The campers' traffic generation have been addressed upon the approval of the Short Term Waiver already. The existing loading and unloading bay of the camping site will be utilized by the Proposed Development as well. Therefore, it is expected that there will not be significant negative impacts regarding the traffic network of the area concerned.

4.9 No Adverse Environmental Impact

4.9.1 The latest "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses" issued by Environmental Protection Department will also be followed. Therefore, there will not be adverse environment impacts including noise and air quality.

4.10 No Adverse Drainage Impact

4.10.1 The approved drainage proposal of the camping site is under implementation. With no material change in the development context, no adverse drainage impact is anticipated.