

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1049

<u>Applicant</u>	: Loi Loi Leisure Farm Limited represented by R-riches Property Consultants Limited
<u>Site</u>	: Lots 1750A4 RP (Part), 1750A5 RP (Part) and 1750A6 RP (Part) in D.D. 107, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 9,375m ²
<u>Leases</u>	: New Grant Nos. YL554, YL555 and YL557 (for purpose of agriculture)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Temporary Place of Recreation, Sports or Culture (Hobby Farm, Fishing and Prawning Ground), Barbecue Site and Holiday Camp with Ancillary Facilities for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary place of recreation, sports or culture (hobby farm, fishing and prawning ground), barbecue site and holiday camp with ancillary facilities for a period of three years and associated filling of land at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “AGR” zone, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’, which is a Column 2 use, and filling of land require planning permission from the Town Planning Board (the Board). ‘Barbecue Site’ and ‘Holiday Camp’ are neither Column 1 nor Column 2 uses in 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 Board. The Site is fenced-off, partly paved and used for the applied use with some temporary structures erected without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Chi Ho Road via a local track (**Plans A-1 to A-3**). According to the applicant, the applied use involves 24 single-storey structures with heights of not more than 5m and a total floor area of about 2,208m² for ancillary reception, shop, activity room, rain shelter, storage, portable toilet and meter room (**Drawing A-1**). Farming area of about 661m² (about 7% of the Site) and lawn area for camping and open space of about 1,921m² (about 20.5% of the

Site), and artificial pond area for fishing and prawn-fishing of about 100m² (about 1% of the Site) are proposed within the Site. The applicant also applies for regularisation of filling of land for about 5,672m² (about 60.5% of the Site) with concrete or gravel of not more than 0.2m in depth (to levels ranging from +3.9mPD to +4.3mPD) for site formation for structures and children's play area, and vehicle parking, loading/unloading (L/UL) and circulation (**Drawing A-2**). 20 parking spaces for private car, one L/UL space for light goods vehicle and one L/UL space for light bus will be provided at the Site. A 2.5m-high fencing will be erected along the site boundary for minimising the disturbance to the watercourse nearby. The proposed operation hours will be between 9:00 a.m. and 10:00 p.m. daily (except for overnight camping activities), including Sundays and public holidays. The applicant estimates that a maximum of 70 visitors per day will be accommodated at the Site and they are required to reserve the parking spaces, if needed, prior to their visits. No public announcement system or any form of audio amplification system will be allowed within the Site at any time. Plans showing the site layout and land filling area submitted by the applicant are on **Drawings A-1** and **A-2** respectively.

- 1.3 The Site is the subject of three previous applications approved by the Rural and New Town Planning Committee (the Committee) of the Board (details at paragraph 5 below), including the last approved application No. A/YL-KTN/844 submitted by the same applicant as the current application for the same applied use (without fishing ground) and the planning permission was subsequently revoked due to non-compliance with approval conditions. Compared with the last application, while the major development parameters of the current application including site area/boundary, number of structures and heights of structures remain unchanged, there is a slight decrease in total floor area from 2,255m² to 2,208m² (-47m² or -2%) and an increase in parking spaces for private car from 18 to 20 (+2 or +11%).
- 1.4 In support of the application, the applicant has submitted the following documents:

(a)	Application Form with attachments received on 10.9.2024	(Appendix I)
(b)	Further Information (FI) received on 18.10.2024 [#]	(Appendix Ia)
(c)	FI received on 8.11.2024 [*]	(Appendix Ib)
(d)	FI received on 3.1.2025 [#]	(Appendix Ic)
(e)	FI received on 18.3.2025 [#]	(Appendix Id)
(f)	FI received on 17.4.2025 [*]	(Appendix Ie)

[#] *accepted but not exempted from publication and recounting requirements*
^{*} *accepted and exempted from publication and recounting requirements*
- 1.5 On 6.12.2024 and 28.2.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each as requested by the applicant.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Ie**, and can be summarised as follows:

- (a) The applied use could meet the pressing demand for recreational facilities in rural area of the New Territories and it is not incompatible with the surrounding areas. The temporary nature of the application would not frustrate the long-term planning intention of the “AGR” zone.
- (b) Whilst several compliance submissions have been made by the applicant under the previously approved application No. A/YL-KTN/844, the applicant was constrained by insufficient funding to implement the drainage facilities and fire service installations (FSIs). The current application is submitted as new funding has been obtained.
- (c) The applied filling of land is necessary to meet the operational needs and no further filling land will be carried out within the Site. Sufficient space is allowed for vehicle manoeuvring within the Site and infrequent trip generation is anticipated. A 2.5m-high fencing will be erected along the site boundary to minimise the disturbance to the watercourse nearby. Adverse impacts generated by the applied use are not anticipated. In support of the application, the applicant has submitted drainage and FSIs proposals.
- (d) Regarding the unauthorised structures within the Site, the applicant will submit Short Term Waiver (STW) application to the Lands Department (LandsD) for rectifying the lease breaches upon approval of the current application.

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

The applicant is not a ‘current land owner’ but has complied with the requirement 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. 31B) by posting site notice and sending notice to the Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is currently not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. **Previous Applications**

- 5.1 The Site is involved in three previous applications (No. A/YL-KTN/394, 649 and 844). Application No. A/YL-KTN/394 for temporary field study/education centre and hobby farm was rejected by the Board on review in 2013 mainly on the

grounds that there was no detailed information provided on the design and operation of the proposed use; and the applicant failed to demonstrate that the proposed use would not generate adverse landscape and drainage impacts.

- 5.2 Application No. A/YL-KTN/649 for temporary place of recreation, sports or culture (hobby farm) and application No. A/YL-KTN/844 for temporary place of recreation, sports or culture (hobby farm and prawning ground), barbeque site and holiday camp, both submitted by the same applicant as the current application, were approved with conditions by the Committee in 2019 and 2022 respectively, mainly on the considerations that the proposed/applied use on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone; the proposed/applied use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comment or their concerns could be addressed by approval conditions. The planning permissions under these two applications were subsequently revoked in 2023 and 2024 respectively due to non-compliance with approval conditions related to implementation of drainage and FSIs proposals. Compared with the last application No. A/YL-KTN/844, while the major development parameters including site area/boundary, number of structures and heights of structures remain unchanged, there is a slight decrease in total floor area and an increase in parking spaces as mentioned in paragraph 1.3 above.
- 5.3 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. **Similar Applications**

- 6.1 There are 21 similar applications involving temporary place of recreation, sports or culture, barbeque site and holiday camp uses (including one renewal of temporary approval granted and 14 with filling of land) in the vicinity of the Site within or straddling the same “AGR” zone in the past five years. All of these applications were approved with conditions by the Committee between 2020 and 2024 on the similar considerations as mentioned in paragraph 5.2 above.
- 6.2 Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) fenced-off, partly paved and used for the applied use with some temporary structures erected without valid planning permission; and
 - (b) accessible from Chi Ho Road via a local track.
- 7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, holiday camp, plant nursery, ponds and vacant land. To the north of the Site across a local track is a watercourse.

8. **Planning Intention**

- 8.1 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.
- 8.2 According to the Explanatory Statement of the OZP for the “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. **Comments from Relevant Government Departments**

- 9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 below, other 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 at **Appendices III** and **IV** respectively.
- 9.2 The following government department has adverse comments on the application:

Land Administration

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

- (a) he has adverse comments on the application;
- (b) the Site comprises Lot Nos. 1750A4 RP, 1750A5 RP and 1750A6 RP all in D.D. 107 held under New Grant Nos. YL554, YL555 and YL557 for the purpose of agriculture and no structures shall be erected on the lots;
- (c) Lot No. 1750A4 RP in D.D. 107 is covered by STW No. 5542 for the purpose of “Temporary Place of Recreation, Sports or Culture (Hobby Farm)”;
- (d) there is/are unauthorised structure(s) and uses on Lot Nos. 1750A5 RP and 1750A6 RP in D.D. 107. The lot owner(s) should immediately rectify/apply for regularisation on the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and
- (e) if the planning application is approved, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) shall apply to his office for a STW to permit the structure(s) erected within Lot Nos. 1750A5 RP and 1750A6 RP in D.D. 107. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the applied use is

temporary in nature, only erection of temporary structure(s) will be considered.

9.3 The following government department does not support the application:

Agriculture and Nature Conservation

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

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally vacant with some structures. 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.; and
- (c) no comment from nature conservation perspective.

10. Public Comments Received During Statutory Publication Periods

On 17.9.2024, 1.11.2024, 14.1.2025 and 28.3.2025, the application and the FI were published for public inspection. During the statutory public inspection periods, three public comments were received, including one from an individual mainly raising concern on the non-compliance with approval conditions under the previous application; and two from the Conservancy Association objecting to the application mainly on the grounds that the applied use is not in line with the planning intention of the “AGR” zone and there will be adverse environmental impacts.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary place of recreation, sports or culture (hobby farm, fishing and prawning ground), barbecue site and holiday camp with ancillary facilities for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, taking into account the planning assessments below, there is no objection to the applied use on a temporary basis of three years with associated filling of land.
- 11.2 Filling of land in the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection have no objection to the application from public drainage and environmental perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

- 11.3 The applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards, holiday camp, plant nursery, ponds, vacant land and watercourse. The applicant has proposed to erect a 2.5m-high fencing along the site boundary for minimising the disturbance to the watercourse nearby. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective considering that significant adverse landscape impact is not anticipated.
- 11.4 Regarding DLO/YL, LandsD's concern on the unauthorised structure(s) and uses on the private lot within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services (D of FS), have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental impacts caused by the applied use.
- 11.6 The Site is the subject of three previous applications (No. A/YL-KTN/394, 649 and 844) as detailed in paragraph 5 above. Whilst application No. A/YL-KTN/394 involving hobby farm use was rejected by the Board, its planning circumstances are different from the current application in that there was no detailed information on design and operation provided and the applicant failed to demonstrate that there would not be adverse landscape and drainage impacts. For the two previously approved applications No. A/YL-KTN 649 and 844 involving hobby farm, prawning ground, barbeque site and holiday camp submitted by the same applicant as the current application, although the planning permissions were subsequently revoked due to non-compliance with approval conditions related to implementation of drainage and FSI proposals resulting in two consecutive revocations, the applicant has submitted the relevant proposals in support of the current application and the proposals are considered acceptable by CE/MN, DSD and D of FS. In this regard, sympathetic consideration may be given to the current application. The applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of planning permission, sympathetic consideration would not be given to any further application.
- 11.7 There are 21 approved similar applications involving place of recreation, sports or culture, barbeque site and holiday camp in the vicinity of the Site within or straddling the same "AGR" zone in the past five years as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee's previous decisions.
- 11.8 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

12. Planning Department's View

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD 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 on a temporary basis for a period of three years until 2.5.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the implementation of the accepted 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 2.2.2026;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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 2.2.2026;
- (d) if the above planning condition (b) 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;
- (e) if any of the above planning condition (a) or (c) 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
- (f) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

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 applied use with associated filling of land 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. There is no strong planning justification 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

Appendix I	Application Form with attachments received on 10.9.2024
Appendix Ia	FI received on 18.10.2024
Appendix Ib	FI received on 8.11.2024
Appendix Ic	FI received on 3.1.2025
Appendix Id	FI received on 18.3.2025
Appendix Ie	FI received on 17.4.2025
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout plan
Drawing A-2	Land filling plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and A-4b	Site Photos