

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1151

- Applicant** : Kam Tin Country Club Limited represented by Top Bright Consultants Limited
- Site** : Various Lots in D.D.109 and Adjoining Government Land (GL), Shui Mei Tsuen, Kam Tin North, Yuen Long, New Territories
- Site Area** : About 40,616m² (including GL of about 875m² (about 2.2%))
- Leases** : - Tai Po New Grant No. 4043 (Lots 785 and 788 in D.D. 109)
- New Grant No. 532 (Lot 1615 in D.D. 109)
- Block Government Lease (all remaining lots in D.D. 109)
(*all demised for agricultural purpose*)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
- Zonings** : “Agriculture” (“AGR”) (about 33,711m² or 83%)
“Village Type Development” (“V”) (about 6,905m² or 17%)
[*restricted to maximum building height of 3 storeys (8.23m)*]
- Application** : Temporary Place of Recreation, Sports or Culture with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary place of recreation, sports or culture with ancillary facilities and associated filling of land for a period of three years at the application site (the Site), which falls within an area largely zoned “AGR” (83%) and partly zoned “V” (17%) on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture’ is a Column 2 use for the “V” zone which requires planning permission from the Town Planning Board (the Board), whilst ‘Place of Recreation, Sports or Culture’ (being not a Horse Riding School, Hobby Farm or Fishing Ground) 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 Board. Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is partly covered by lawns and partly paved, erected with some temporary structures, occupied by a pond in the western portion and used for the applied use (namely Kam Tin Country Club) without valid planning permission. Three land parcels

mainly comprising existing residential structures and a planned Small House development (approved under application No. A/YL-KTN/969) encircled by the applied use are excluded from the Site (**Plans A-2 to A-4b**).

- 1.2 The Site is accessible from Shui Mei Road and Kam Hing Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the applied use involves 26 single-storey structures with height of not more than 5m and a total floor area of about 4,743m² for visitor centre, site office/reception, storage, animal petting sheds, barbeque areas, children playground/game area, ticket office, kiosk, washrooms/nursery room and shelter sheds/canopy. The uncovered area is mainly used for picnic areas/lawns, kiddie ride park, amenity pond, badminton and basketball courts, and parking areas (**Drawing A-1**). The applicant also applies for regularisation of filling of land for about 14,000m² (34.5% of the Site) with concrete and asphalt of not more than 0.2m in depth (to levels ranging from about 4.3mPD to 7mPD) and proposed filling of land for about 500m² (1.2% of the Site) with concrete of not more than 0.2m in depth (to a level of about 6mPD) for site formation (**Drawing A-2**). Visit-by-appointment arrangement will be adopted for the applied use and visitors will be encouraged to take public transport serving the nearby Shui Tau Tsuen and Shui Mei Tsuen to access to the Site. 51 parking spaces for private car, 15 loading/unloading (L/UL) spaces for taxi and two L/UL spaces for medium goods vehicle (MGV) will be provided at the Site. No public announcement system, including any form of audio amplification system or portable loudspeakers, will be involved at the Site at all times. The Site will not be fenced-off at all times such that 24-hour public passage across the Site will be allowed for accessing the existing/planned residential developments encircled by the Site. The operation hours will be from 10:00 a.m. to 6:00 p.m. on Mondays to Fridays, and from 10 a.m. to 10:00 p.m. on Saturdays, Sundays and public holidays. Plans showing the site layout and land filling area submitted by the applicant are on **Drawings A-1 and A-2** respectively.
- 1.3 Part of the Site is the subject of seven previous applications (details at paragraph 5 below), including six for the same use submitted by the same applicant as the current application. The last application No. A/YL-KTN/830 is a renewal of temporary approval for the applied use which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2022, with the planning permission lapsed in June 2025. Compared with the last application, the current application mainly involves increases in site area (+32,096m²/+377%), number of structures (+17/+189%), total floor area, (+4,101m²/639%), parking spaces (+28/+121%) and L/UL spaces (+15 for taxi and +2 for MGV).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 22.7.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 3.9.2025* (**Appendix Ia**)
 - (c) FI received on 8.9.2025* (**Appendix Ib**)
 - (d) FI received on 23.10.2025# (**Appendix Ic**)
 - (e) FI received on 24.10.2025# (**Appendix Id**)

* accepted and exempted from publication and recounting requirements

accepted but not exempted from publication and recounting requirements

- 1.5 On 19.9.2025, the Committee agreed to defer making a decision on the application for two months 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 Id**, and can be summarised as follows:

- (a) The applicant has been operating the applied use for nearly 20 years with six previous planning approvals. Whilst smaller site areas were involved in the previous approvals, the applied use has been expanded to meet the local demand for place of recreation, and ancillary parking and L/UL spaces for visitors are also provided in the expanded area under the current application. The temporary nature of the current application would not frustrate the long-term planning intentions of the concerned zones. The applied use is not incompatible with the surrounding areas and there are similar applications approved in the vicinity.
- (b) The applicant will follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('CoP') to minimise nuisance to the surrounding areas. Solid wastes generated from the applied use will be collected and disposed daily by staff. Underground septic tanks are provided to treat the sewage which will be properly collected in accordance with relevant guidelines and requirements. It is estimated that two trips per day on weekdays and one trip per day on weekends and public holidays for L/UL by MGW will be involved. Adverse impacts generated by the applied use on the surrounding areas are not anticipated. In support of the application, the applicant has submitted a drainage impact assessment and fire service installations (FSIs) proposal.
- (c) Other uses such as holiday camps in the nearby sites are not under management of the applicant and do not form part of the current application. Regarding the Lands Department (LandsD)'s concerns on lease breaches at the Site, the applicant will take appropriate follow-up and rectification actions including submission of Short Term Waiver (STW) and Short Term Tenancy applications to LandsD after 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 publishing newspaper notice and sending notice to the Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion of the Site, the 'Owner's Consent/Notification' Requirements are not applicable.

4. Background

The Site is subject to planning enforcement action (No. E/YL-KTN/737) against Unauthorized Development (UD) involving recreation use, use for eating place, use for place for parking of vehicles and storage use (including deposit of containers) (**Plan A-2**). Enforcement Notice was issued on 26.6.2025 requiring discontinuation of the UD. Site inspection on 13.11.2025 revealed that the UD still continue upon expiry of the notice, prosecution action is being considered.

5. Previous Applications

- 5.1 Part of the Site is the subject of seven previous applications (No. A/YL-KTN/153, 273, 329, 383, 495, 658 and 830). Application No. A/YL-KTN/153 for proposed New Territories Exempted House (NTEH) (Small House) was rejected by the Board upon review in 2003, and its considerations are not relevant to the current application due to different use involved.
- 5.2 The remaining six previous applications covering the south-eastern portion of the Site for temporary place of recreation (including four renewals of temporary approval) submitted by the same applicant as the current application were approved with conditions by the Committee between 2007 and 2022, mainly on the considerations that the applied use on a temporary basis would not frustrate the long-term planning intentions of the “V” and “AGR” zones; the applied use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comment or their concerns and public comments, if any, could be addressed by approval conditions. For the last application No. A/YL-KTN/830, the time-limited approval condition had been complied with and the planning permission lapsed on 11.6.2025. Compared with the last application, the current application mainly involves increases in site area, number of structures, total floor area, parking spaces and L/UL spaces as detailed in paragraph 1.3 above. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

There are ~~1920~~ similar applications involving various temporary place of recreation, sports or culture uses (including ~~one renewal of temporary approval and~~ 14 with filling of land) within or straddling the same “AGR” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2021 and 2025 on the similar considerations as mentioned in paragraph 5.2 above. There is no similar application within the same “V” zone. 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) partly covered by lawns and partly paved, erected with some temporary structures, occupied by a pond in the western portion and used for the applied use without valid planning permission. Three land parcels mainly comprising existing residential structures and a planned Small House development (approved under application No. A/YL-KTN/969) encircled by the applied use are excluded from the Site (**Plans A-2 and A-3**);
- (b) within the Yuen Shan Site of Archaeological Interest (**Plan A-1**); and
- (c) accessible from Shui Mei Road and Kam Hing Road via local tracks.

7.2 The surrounding areas are rural in character with village settlements of Shui Tau Tsuen and Shui Mei Tsuen, residential structures, parking of vehicles, open storage yard, plant nursery, farm/farmland, holiday camps (including a site with valid planning permission), grassland/woodland, pond and vacant land.

8. Planning Intentions

- 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. 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.
- 8.2 The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Bureau/Departments

- 9.1 Apart from the government departments 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, if any, are provided at **Appendices III and IV** respectively.
- 9.2 The following government departments object to/do not support the application:

Land Administration

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

- (a) objects to the application;
- (b) the Site comprises GL, Old Schedule Agricultural Lots and New Grant Lots. Lots No. 785 and 788 both in D.D. 109 are held under Tai Po New Grant No. 4043 and Lot No. 1615 in D.D. 109 is held under New Grant No. 532 for the purpose of agriculture only and no structures shall be erected on the lots. The remaining lots are Old Schedule Agricultural Lots 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;
- (c) Lots No. 681 and 684 RP both in D.D. 109 are covered by STWs No. 3742 and 3743 respectively for the purpose of ancillary use to place of recreation.
- (d) there is/are unauthorised structure(s) and use(s) on Lot No. 655 in D.D. 109 covered by the application which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (e) the GL within the Site (about 875m² as mentioned in the application) has been unlawfully occupied with unauthorized structure(s) without any permission. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). LandsD objects to the application since there is unlawful occupation of GL and regularisation would not be considered according to the prevailing land policy. The lot owner(s) should immediately cease the unlawful occupation of GL and remove the unauthorized structure(s) as demanded by LandsD. His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice;
- (f) there is no outstanding or approved Small House application at the Site; and
- (g) advisory comments are at **Appendix IV**.

Environment

Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application from environmental planning perspective;
- (b) based on the applicant's submission, the applied use would not involve dusty operation but it would cause traffic of heavy vehicle (i.e. MGV). There are residential structures within 100m from the boundary of the Site. As such, according to the revised 'CoP', it is anticipated that the applied

use would cause environmental nuisance to the residential structures nearby;

- (c) no comment on the applied filling of land;
- (d) there was no substantiated environmental complaint received against the Site in the past three years; and
- (e) advisory comments are at **Appendix IV**.

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, which falls within an area partly zoned “AGR”, is partially paved and erected with structures. 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 on the application from nature conservation and fisheries perspectives.

10. Public Comments Received During Statutory Publication Periods

On 29.7.2025 and 7.11.2025, the application and FIs were published for public inspection. During the statutory public inspection periods, nine public comments were received, including two from Kadoorie Farm and Botanic Garden Corporation and seven from individuals, all objecting to the application mainly on the grounds that the applied use is not in line with the planning intention of the “AGR” zone; the Site boundary does not fully cover the extent of the applied use; the applied use has been under operation without relevant permissions; and there would be potential impacts on the Agricultural Priority Areas and adverse environmental, traffic, hygiene and drainage impacts on the surrounding areas (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for temporary place of recreation, sports or culture with ancillary facilities and associated filling of land for a period of three years at the Site largely zoned “AGR” (83%) and partly zoned “V” (17%) (**Plan A-1**). The applied use is not in line with the planning intentions of the “AGR” and “V” zones. Whilst DAFC does not support the application from agricultural perspective, according to the applicant, the applied use is to meet the local demand for place of recreation. Besides, DLO/YL, LandsD advises that there is no outstanding or approved Small House application at the Site. In view of the above and taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis of three years.

- 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 has no objection to the application from drainage perspective and DEP has no comment on the applied filling of land from environmental perspective. As the Site is partly zoned “AGR”, an approval condition requiring reinstatement of the “AGR” portion 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 village settlements, residential structures, parking of vehicles, open storage yard, plant nursery, farm/farmland, holiday camps, grassland/woodland, pond and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that significant adverse impact on landscape resources and character is not anticipated.
- 11.4 DEP does not support the application as the applied use involves use of heavy vehicle and there are sensitive receivers in the vicinity of the Site. In this regard, according to the applicant, not more than two trips per day for L/UL by MGVS are estimated. Moreover, there was no substantiated environmental complaint received against the Site in the past three years. To address DEP’s concerns, the applicant will be advised to follow the revised ‘COP’ to minimise any potential environmental nuisance caused by the applied use. The operation of the applied use is also subject to the relevant pollution control ordinances. Regarding DLO/YL, LandsD’s concern on the unauthorized structures and uses on the concerned lots of the Site and the unlawful occupation of GL, 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 who considers the FSI’s proposal submitted by the applicant acceptable, 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.
- 11.6 There are six approved previous applications for the same use in the south-eastern portion of the Site, and ~~1920~~ approved similar applications involving various temporary place of recreation, sports or culture uses within or straddling the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraphs 5 and 6 above respectively. Approving the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant. Moreover, the planning permission, if given, is for the applied use at the Site as submitted under

application, including the site area and boundary, and any unauthorized development would be subject to planning enforcement action.

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 19.12.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised drainage impact assessment 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 19.6.2026;
- (b) in relation to (a) above, the implementation of the drainage facilities identified in the revised drainage impact assessment 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 19.9.2026;
- (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 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 19.9.2026;
- (e) 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;
- (f) if any of the above planning condition (a), (b) or (d) 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
- (g) upon expiry of the planning permission, the reinstatement of the "AGR" portion 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 intentions of the "AGR" and "V" zones. 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, whilst the planning intention of the "V" zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. There is no strong planning justification in the submission for a departure from the planning intentions, 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 22.7.2025
Appendix Ia	FI received on 3.9.2025
Appendix Ib	FI received on 8.9.2025
Appendix Ic	FI received on 23.10.2025
Appendix Id	FI received on 24.10.2025
Appendix II	Previous and similar applications
Appendix III	Government bureau/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 4b	Site photos

**PLANNING DEPARTMENT
DECEMBER 2025**