

RNTPC Paper No. A/YL-KTN/766  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 11.6.2021

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

**APPLICATION NO. A/YL-KTN/766**

- Applicant** : Urban Quit Limited represented by Mr. TANG Lok San
- Site** : Lot 1750A2 RP in D.D. 107 and Adjoining Government Land, Kam Tin North, Yuen Long, New Territories
- Site Area** : About 3,312.5m<sup>2</sup> (including about 972m<sup>2</sup> of Government land (about 29%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) 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 place of recreation, sports or culture (hobby farm) for a period of 3 years. According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’ is a Column 2 use under “AGR” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently partly paved and partly grassed and used as camping ground without planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is subject to a previous application (No. A/YL-KTN/610) for proposed temporary place of recreation, sports or culture (hobby farm) for 3 years which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 3.8.2018. However, the planning permission was revoked in 2020 due to non-compliance with approval conditions.
- 1.3 The proposed development involves six 1-storey structures with building height of not more than 3.5m and a total floor area of about 78.7 m<sup>2</sup> for reception and learning centre, farm lounge, storage, electric meter room and marquee. The farming area of the Site will be about 2,607.8m<sup>2</sup> (about 78.7% of the Site). The remaining area of about 704.7m<sup>2</sup> (about 21.3% of the Site) will be paved with soil and concrete and asphalt on top. There will be no filling of land. 8 private car parking spaces and 1 loading/unloading space for light goods vehicle will be provided within the Site. The operation hours will be 6a.m. to 9p.m. daily including

public holidays. According to the applicant, no more than 20 visitors on weekdays and 30 visitors on weekends will be accommodated at the Site, and no public announcement system will be used at the Site. The Site is accessible from Castle Peak Road – Tam Mi via Shui Mei Road and a local track. The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.4 When compared with the last approved application, the current application submitted by a different applicant is for the same use, with larger site area (+972.3m<sup>2</sup>/+41.5%), more structures (+2 structures) and private car parking spaces (+8 spaces), but smaller floor area (-86m<sup>2</sup>/-52.2%).
- 1.5 In support of the application, the applicant has submitted the following document:
- (a) Application form with supplementary statement and plans received on 21.4.2021 **(Appendix I)**
  - (b) Further Information (FI) received on 7.6.2021 in response to departmental comments **(Appendix Ia)**  
*[exempted from publication requirement]*

## **2. Justifications from the Applicant**

The justification put forth by the applicant in support of the application is detailed in the supplementary statement and FI at **Appendices I to Ia**, and is briefly summarized as follows:

- (a) The proposed use is on a temporary basis and will not jeopardize the long-term planning intention of the “AGR” zone. A few applications for temporary place of recreation, sports or culture (hobby farm) within the same “AGR” zone have been approved. The proposed use is not incompatible with the surrounding environment.
- (b) This application is not related to the previous application. The Site has been vacant for more than a year. The site area and the applicant have changed in the current application. The applicant commits to comply with the approval conditions should the current application be approved. The existing camping ground at the Site is on a transitional basis. The Site will be used for hobby farm once the planning permission is granted and there will be no overnight accommodation.
- (c) The paved area, which used soil as foundation and concrete and asphalt on top, can provide a clean environment for the visitors and avoid soil erosion. The paved area will also stabilize the structures, provide manoeuvring and parking spaces for vehicles and facilitate drainage works. The proposed structures are for the use of visitors and storage of farming tools/seeds. The area for structure and paved area is kept to a minimum for operational need. The paving will be removed upon expiry of the planning approval and the Site will be reinstated to a condition suitable for agricultural use.

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

The applicant is not the “current land owner” of the private land portion of the Site but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting notice at the Site and sending notification letter to the Kam Tin Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the Government land portion, the “Owner’s Consent/ Notification” Requirements are not applicable.

### 4. **Background**

Site inspection has revealed that there were some tents set up and vehicles parking within the Site. The current use found on Site may constitute an Unauthorised Development (UD) under the Town Planning Ordinance. Should there be sufficient evidence to prove an UD on Site, enforcement action would be instigated.

### 5. **Previous Application**

The Site is the subject of a previous application (No. A/YL-KTN/610) submitted by a different applicant for proposed temporary hobby farm. It was approved with conditions for 3 years by the Committee on 3.8.2018 mainly on the consideration that approval of the application would not frustrate the long-term planning intention of the “AGR” zone; it was not incompatible with the surrounding land uses; it would unlikely cause significant adverse traffic, landscape or drainage impacts; and relevant departments consulted had no adverse comment. While the approval conditions on submission of landscape, drainage and fire service installations (FSIs) proposals have been complied with, those requiring the implementation of these proposals have not been complied with. Hence, the permission was revoked on 3.2.2020. Details of the previous application are summarized in **Appendix II** and its location is shown on **Plan A-1**.

### 6. **Similar Applications**

- 6.1 There are 32 similar applications for temporary hobby farm concerning 22 sites within the same “AGR” zone. Except Application No. A/YL-KTN/394, all the similar applications were approved with conditions by the Committee between 2015 and 2021 for a period of 3 or 5 years. Details of these applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.

#### *31 Approved Applications*

- 6.2 31 applications for temporary hobby farm (five with caravan holiday camp) were approved between 2015 and 2021 mainly for the reasons that temporary approval would not frustrate the long-term planning intention; the proposed developments were not incompatible with the surrounding land uses; they would unlikely cause significant adverse environmental, traffic, landscape or drainage impacts; and concerned departments had no objection to the application. However, the planning permissions for 13 of them were revoked due to non-compliance with approval conditions.

### *1 Rejected Application*

- 6.3 Application No. A/YL-KTN/394 for proposed temporary field study/education centre and hobby farm for a period of 5 years was rejected by the Board on review in 2013 mainly on the grounds that the site was the subject of unauthorized land filling and the fill material was not suitable for cultivation; there was no detailed information regarding the design and operation of the proposed development; the applicant failed to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas; and approving the application would set an undesirable precedent and the cumulative effect of which would result in general degradation of the rural environment of the area.

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

- 7.1 The Site is:

- (a) partly paved and partly grassed and used for picnic/camping ground without planning permission; and
- (b) accessible from Castle Peak Road – Tam Mi via Shui Mei Road and a local track.

- 7.2 The surrounding area is rural in character intermixed with a hobby farm, parking of vehicles, a plant nursery, ponds, fallow agricultural land and vacant/unused land:

- (a) to its immediate west is a temporary hobby farm with planning approval (No. A/YL-KTN/649). To its south are unused land and a plant nursery; and
- (b) to its immediate east and north are Shui Mei Road and a local track. To its further east are ponds. To its further north across a nullah are parking of vehicles, fallow agricultural land and vacant land.

## **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 Department**

- 9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

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

- (a) The Site comprises an Old Schedule Agricultural Lot 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.
- (b) No permission is given for occupation of Government Land (GL) (about 972m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed.
- (c) Should planning approval be given to the planning application, the lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularities on Site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Furthermore, the applicant has to exclude the GL portion from the Site or apply to his office for a Short Term Tenancy to occupy the GL. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD.

### **Traffic**

#### 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

#### 9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW of HyD):

- (a) Shui Mei Road is not maintained by HyD.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – Tam Mi.

- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains.

### **Agriculture and Nature Conservation**

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

- (a) The Site falls within the “AGR” zone and possesses potential for agricultural rehabilitation. He has no strong view against the application for proposed hobby farm use from agricultural point of view on the understanding that agricultural activities are involved in the proposed use and the Site will be reinstated upon the expiry of the planning permission.
- (b) He has no comment on the application from nature conservation perspective. Should the application be approved, the applicant shall be reminded to adopt necessary measures to avoid polluting the drainage channel to the north of the Site.

### **Environment**

#### **9.1.5 Comments of the Director of Environmental Protection (DEP):**

- (a) There was an substantiated environmental complaint on air aspect (construction dust) concerning the Site received in 2018.
- (b) He has no objection to the application.
- (c) The applicant is advised to (i) follow the relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisance; (ii) no public announcement system or any form of audio amplification system is allowed to be used on the Site at any time during the planning approval period, as proposed by the applicant; (iii) to provide adequate supporting infrastructure / facilities for proper collection, treatment and disposal of waste / wastewater generated from the proposed use. If septic tank and soakaway system will be used in the case of unavailability of public sewer, its design and construction shall follow the requirements of EPD’s Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” including percolation test; and (iv) it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances.

### **Landscape**

9.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) He has no objection to the application from landscape planning perspective.
- (b) Based on the aerial photo taken in 2020, the Site is situated in an area of rural inland plains landscape character comprising ponds, scattered tree groups, vacant land, farmlands and village houses. The proposed use is considered not entirely incompatible with the surrounding landscape setting. According to site photos taken on 30.4.2021, the Site is partly paved with gravels and asphalt and partly lawn and with temporary cargo structures. No existing tree is observed within the Site. According to the submitted layout, about 78.7% of the Site is proposed for farm area. Significant adverse impact on existing landscape resources arising from the proposed use is not anticipated.

### **Drainage**

9.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD):

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the submission of a drainage proposal to demonstrate, inter alia, how the existing flow paths as well as the run-off falling onto and passing through the Site could be intercepted and disposed of via proper discharge point, and implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included in the planning approval.

### **Fire Safety**

9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to FSIs being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans.

- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Building Matters**

#### 9.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW of BD):

- (a) As there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on Site, prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance.
- (c) His detailed comments on UBW, provision of access, temporary or licensed structures are at **Appendix V**.
- (d) Detailed checking under the BO will be carried out at building plan submission stage.

### **District Officer's Comments**

#### 9.1.10 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL of HAD):

He has not received any comments from the locals and has no comment on the application.

#### 9.2 The following Government departments have no comment on / no objection to the application:

- (a) Project Manager/West, Civil Engineering and Development Department;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Director of Electrical and Mechanical Services; and
- (d) Commissioner of Police.

## **10. Public Comments Received During the Statutory Publication Period**

On 30.4.2021, the application was published for public inspection. During the three-week statutory publication period, three public comments from the Conservancy Association, the World Wide Fund for Nature Hong Kong and an individual were received (**Appendix IV-1 to IV-3**). All of them object to the application mainly on the grounds that the proposed use



is not in line with the planning intention of “AGR” zone; the Site may involve “destroy first, develop later” practice and approval of the application will set an undesirable precedent; and GL should not be used for illegal operation.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 years in the “AGR” zone. 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. According to the applicant, about 78.7% of the Site will be used for farming. The proposed use is generally not in conflict with the planning intention of the “AGR” zone. DAFC has no strong view on the application from agricultural point of view. It is considered that temporary approval of the application will not frustrate the long-term planning intention of the “AGR” zone.
- 11.2 The proposed use is considered not incompatible with the surrounding land uses which are rural in character intermixed with a hobby farm, plant nursery, ponds, fallow agricultural land and vacant/unused land. According to the applicant, the proposed structures and paved area have been kept to a minimum for operational need.
- 11.3 In view of the nature of the proposed hobby farm, it would unlikely cause significant adverse traffic, landscape, environmental or drainage impacts on the surroundings. While there was an environmental complaint concerning the Site, it was back in 2018 on construction dust. Relevant departments consulted, including C for T, DEP, CTP/UD&L of PlanD, CE/MN of DSD and D of FS have no adverse comment on the application. To minimize any possible environmental nuisance, approval conditions restricting the operation hours is recommended in paragraph 12.2 (a) below. The applicant will also be advised to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. Moreover, the technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraph 12.2 (b) to (h) below.
- 11.4 The Site is subject to a previous application for temporary hobby farm which was approved by the Committee in 2018. However, the planning permission was revoked due to non-compliance with approval conditions. The current application is submitted by a different applicant. There are 32 similar applications for temporary hobby farm within the same “AGR” zone approved by the Committee between 2015 and 2021 (paragraph 6 and **Plan A-1** refer). The circumstance of the only rejected similar application, as detailed in paragraph 6.3, are different. Approval of this application is in line with the Committee’s previous decisions on previous and similar applications.
- 11.5 Three public comments objecting to the application were received during the statutory publication period as mentioned in paragraph 10 above. In this regard, the departmental comments and planning assessments and considerations 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 above, the Planning Department has no objection to the proposed temporary place of recreation, sports or culture (hobby farm) for a period of 3 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 3 years until 11.6.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval Conditions**

- (a) no operation between 9p.m. and 6a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the submission of 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 11.12.2021;
- (d) in relation to (c) above, the implementation of 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 11.3.2022;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of 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 11.12.2021;
- (g) in relation to (f) above, the implementation of 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 11.3.2022;
- (h) if any of the above planning conditions (a), (b) or (e) 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;
- (i) if any of the above planning conditions (c), (d), (f) or (g) 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
- (j) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

### Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

- 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. This zone 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 received on 21.4.2021
<b>Appendix Ia</b>	FI received on 7.6.2021
<b>Appendix II</b>	Previous application covering the Site
<b>Appendix III</b>	Similar applications within the same "AGR" zone on the Kam Tin North OZP
<b>Appendices IV-1 to IV-3</b>	Public comments received during the statutory publication period
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan with Previous and Similar Applications
<b>Plan A-2</b>	Site Plan

**Plan A-3**                      Aerial Photo

**Plan A-4**                      Site Photos

**PLANNING DEPARTMENT  
JUNE 2021**