

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

**APPLICATION NO. A/YL-KTN/823**

- Applicant** : Fairwise Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 1374 (Part), 1382 (Part) and 1384 (Part) in D.D. 107 and Adjoining Government Land, Fung Kat Heung, Kam Tin, Yuen Long, New Territories
- Site Area** : About 12,000m<sup>2</sup> (including about 358m<sup>2</sup> of government land)
- Land Status** : (i) Block Government Lease (demised for agricultural use) (about 97% of the Site)  
(ii) Government Land (about 3% of the Site)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Holiday Camp and 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 temporary holiday camp and 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 the “AGR” zone which requires planning permission from the Town Planning Board (the Board). “Holiday Camp” is neither a Column 1 nor Column 2 use for the “AGR” zone. According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is partly vacant, partly occupied by a pond and partly used for a commercially operated tent camping ground without planning permission (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the temporary camping ground can accommodate not more than 8 tents for a maximum of 28 visitors. The development also involves five 1-storey structures (with building height ranging from 4m to 6m) and a total floor area of about 352m<sup>2</sup> for rain shelter, reception room, site office, store room for farm tools and necessities, and toilet uses. A pond of about 5,000m<sup>2</sup> is located at

the western part of the Site and a timber walkway was built across the pond. No activities, including water sports and recreational use, will be carried out in the pond. The remaining area of the Site will be used as a hobby farm for the exclusive use of the holiday camp visitors (about 2,750m<sup>2</sup> or 22.9% of the Site), a sitting out area and circulation space. 8 private car / van type vehicle parking spaces are provided within the Site. The operation hours of the hobby farm will be Mondays to Sundays from 9:00a.m. to 7:00p.m., including public holidays while the holiday camp will be operating 24 hours daily including public holidays. The Site is accessible from San Tam Road via Fung Kat Heung Road and a section of local track. The site layout plan and a drainage proposal submitted by the applicant are at **Drawings A-1 and A-2**.

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

- (a) Application form with supplementary information (Appendix I)  
received on 7.2.2022
- (b) Further Information (FI) received on 16.5.2022 (Appendix Ia)
- (c) FI received on 19.5.2022 (Appendix Ib)
- (d) FI received on 25.5.2022 (Appendix Ic)

1.4 In view of COVID-19 and the latest special work arrangement for government departments announced by the Government, the Rural and New Town Planning Committee (the Committee), on 1.4.2022, agreed to defer making a decision on some of the applications, including Application No. A/YL-KTN/823. The application is now scheduled for consideration by the Committee at this meeting.

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

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary information and FIs at **Appendices I and Ia to Ic**, and are briefly summarized as follows:

- (a) The applied use is on a temporary basis and will not jeopardize the long-term planning intention of the “AGR” zone. The nature, layout, form and scale of the development are not incompatible with the surrounding environment.
- (b) The development only involves tent camping and no other temporary structure will be erected for boarding purpose. Similar applications for holiday camp and/or hobby farm uses have been approved by the Board within the same “AGR” zone.
- (c) The development will not induce significant adverse environmental, drainage and traffic impacts. No land filling, excavation of land and filling of pond is involved.

## **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 publishing a notice of the application once in two Chinese and one English local newspapers. 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**

The Site is the subject of an on-going planning enforcement case (No. E/YL-KTN/595) against unauthorized development (UD) involving use for war game centre and storage use (**Plan A-2**). Enforcement Notice was issued on 24.8.2021 to the concerned parties requiring discontinuation of the UD. The Planning Authority is monitoring the UD and will take necessary follow-up action.

#### **5. Previous Application**

The Site is not involved in any previous application.

#### **6. Similar Applications**

6.1 There are 27 similar applications for temporary hobby farm in the vicinity of the Site within the same “AGR” zone in the past 5 years. Among these 27 applications, 4 of them, i.e. Applications No. A/YL-KTN/536, 665, 693 and 772, involve holiday camp use, the operation of which is similar to the commercially operated tent camping ground under application. All applications were approved with conditions by the Committee mainly for the reasons that temporary approval would not frustrate the long-term planning intention; the developments were not incompatible with the surrounding land uses; they would unlikely cause significant adverse environmental, traffic, landscape or drainage impacts; and concerned departments generally had no objection to the application or their concerns could be addressed by relevant approval conditions. However, the planning permissions for ten of them were revoked due to non-compliance with approval conditions.

6.2 Details of the applications are summarized in **Appendix II** and the locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) partly vacant, partly occupied by a pond and partly used for tent camping ground without planning permission; and
- (b) accessible from San Tam Road via Fung Kat Heung Road and a section of local track.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate north is a stream course. To its further north are ponds, cultivated agricultural land, parking of vehicles, open storage/ storage yards, a pigsty, four sites approved for animal boarding establishment (with planning permissions under Application No. A/YL-KTN/659, 755, 757 and 797) and residential structures/dwellings;
- (b) to its east are ponds, cultivated agricultural land and a residential structure / dwelling;
- (c) to its northwest, across the stream course, are ponds, residential structures, ruins, a dog kennel and a privately operated armed forces outbound training centre; and
- (d) to its immediate south is an area zoned “Conservation Area” (“CA”) with woodland.

## **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**

The government 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 in **Appendices III** and **IV** respectively.

## **10. Public Comments Received During the Statutory Publication Period (Appendix V)**

The application was published for public inspection. During the three-week statutory publication period, four public comments from the Kadoorie Farm and Botanic Garden Corporation, the Conservancy Association, the Hong Kong Bird Watching Society, and an individual were received. All of them object to the application mainly on the grounds that the application is not in line with the planning intention of the “AGR” zone; the development is a “destroy first, build later” case and approval of the application would set an undesirable precedent; the development would induce noise nuisance and light pollution, and cause potential pollution to the ponds and stream course nearby.

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

- 11.1 The application is for temporary holiday camp and 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 22.9% (or about 2,750m<sup>2</sup>) of the Site will be used for farming related activities, which 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 approval of the application on a temporary basis will not frustrate the long-term planning intention of the “AGR” zone.

- 11.2 The development, which is intended for passive leisure and recreational use, is considered not incompatible with the surrounding land uses which are rural in character predominated by residential structures/dwellings, cultivated agricultural land, parking of vehicles, open storage/ storage yards, dog kennels, ponds, woodland and vacant land.
- 11.3 Taking into account the nature of the development, the applied use is not expected to cause significant adverse traffic, environmental and drainage impacts on the surrounding areas. Relevant departments consulted including C for T, DEP, CE/MN of DSD and D of FS have no adverse comment on the application. To minimise any potential impacts on the adjacent watercourse along the northern and northwestern boundary that may be caused by the applied use, the applicant will be advised to avoid polluting or disturbing the adjacent watercourse during operation as per the suggestion of DAFC. Appropriate approval conditions are also recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. The applicant will also be advised to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by DEP.
- 11.4 The Site is not involved in any previous application. There are 27 similar applications for temporary hobby farm (4 of which involve holiday camp use as well) in the vicinity of the Site within the same “AGR” zone approved by the Committee between 2017 and 2022 for reasons as stated in paragraph 6 above. Approval of this application is in line with the Committee’s previous decisions on similar applications.
- 11.5 Four public comments objecting to the application were received during the statutory publication period. In this regard, the departmental comments and planning assessments and considerations as stated 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 considers that the applied use could be tolerated 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 1.6.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised 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 1.12.2022;
- (b) in relation to (a) above, the implementation of the revised 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 1.3.2023;
- (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 submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.12.2022;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.3.2023;
- (f) if the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning conditions (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The recommended advisory clauses are attached 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 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, 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**

<b>Appendix I</b>	Application form with plans received on 7.2.2022
<b>Appendix Ia</b>	FI received on 16.5.2022
<b>Appendix Ib</b>	FI received on 19.5.2022
<b>Appendix Ic</b>	FI received on 25.5.2022
<b>Appendix II</b>	Similar applications within the same “AGR” zone in the vicinity of the Site
<b>Appendix III</b>	General departmental comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comments
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Drainage proposal
<b>Plan A-1</b>	Location plan with similar applications
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4a and A-4b</b>	Site photos

**PLANNING DEPARTMENT  
JUNE 2022**