

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

**APPLICATION NO. A/YL-KTN/826**

<b><u>Applicant</u></b>	:	Field Fortune Management Limited represented by Toco Planning Consultants Limited
<b><u>Site</u></b>	:	Lots 1164 S.A (Part), 1164 RP, 1165 (Part), 1168 (Part) and 1169 in D.D. 109, Kam Tin, Yuen Long
<b><u>Site Area</u></b>	:	About 5,007.5 m <sup>2</sup>
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
<b><u>Zonings</u></b>	:	“Agriculture” (“AGR”) (about 4,393.6m <sup>2</sup> or 88% of the Site) and “Green Belt” (“GB”) (about 613.9m <sup>2</sup> or 12% of the Site)
<b><u>Application</u></b>	:	Temporary Holiday Camp, Place of Recreation, Sports or Culture (Hobby Farm), Barbecue Site and Ancillary Supporting Facilities 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, place of recreation, sports or culture (hobby farm), barbecue site and ancillary supporting facilities for a period of 3 years. The majority of the Site (about 88%) falls within an area zoned “AGR” with a minor portion of the Site (about 12%) falling within an area zoned “GB” on the Kam Tin North OZP (**Plan A-1**). While ‘holiday camp’ is a Column 2 use under the “GB” zone and ‘hobby farm’ is a Column 2 use under the “AGR” and “GB” zones, ‘holiday camp’ and commercially operated ‘barbecue site’ 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 Town Planning Board (the Board). The Site is partly fenced, formed and used for the applied use without planning permission (**Plans A-2 to A-4**).
- 1.2 According to the applicant, apart from 35 tent camping sites provided within the Site, the development also involves three 1-storey structures (with building height of about 3m) and a total floor area of about 104m<sup>2</sup> for reception, storage and portable toilet uses. There will also be two hobby farm areas (about 741.42m<sup>2</sup> or about 15%) at the northern portion for enjoyment of the campers, and a multi-functional area (about 652.4m<sup>2</sup>) for passive recreational activities, barbecue

site and star-glazing purposes. Only three loading/unloading spaces for taxi, coach and disabled vehicle, with no car parking space, will be provided at the Site. The operation hours for holiday camp and hobby farm will be 24 hours daily except during the Ching Ming and Chung Yeung Festivals and one week before and after the festival days. Only visitors who have reserved a tent camping space will be able to access the hobby farm area. The applicant estimates that the Site can accommodate about 105 visitors per day. Staff will be working in shifts at the Site, with two staff members to be stationed from 9:00 a.m. to 6:00 p.m., and one staff member to be stationed from 6:00 p.m. to 9:00 a.m. No public announcement system, portable loud speaker or any form of audio amplification system will be used at the Site. The Site is accessible from Chi Ho Road via a local access (**Plans A-1 and A-2**). The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application form with supplementary information received on 15.2.2022 **(Appendix I)**
- (b) Further Information (FI) received on 28.3.2022 **(Appendix Ia)**
- (c) FI received on 12.7.2022 **(Appendix Ib)**
- (d) FI received on 26.8.2022 and 1.9.2022 **(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/826. At the request of the applicant, the Committee agreed on 1.6.2022 to defer making a decision again on the application for a period of two months to allow time for the applicant to prepare FI to address the departmental comments. After the deferral request in June 2022, the applicant submitted FI on 12.7.2022. 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 to Ic** respectively as summarized below:

- (a) The application is temporary in nature and would not undermine the long-term planning intention of the “AGR” and “GB” zones. The applied use is in line with the planning intention of “GB” zone which is to provide additional outlets for passive recreational uses. Besides, the development is intended to promote local tourism in the short-term.
- (b) Similar applications for ‘holiday camp’ use within “GB” zone were approved by the Board. Approval of the current application would not set an undesirable precedent for similar applications.

- (c) The development is compatible with the surrounding land uses. No construction works will be involved as the structures are only erected by assembling. The applicant will implement a green policy for the development to promote sustainable living in the area, for instance adequate recycling/waste collection bins will be provided at the Site, and remove off site by the applicant. The development will not result in adverse impact in the locality.
- (d) The hobby farm is only available to the tent camping ground visitors for learning crop growing from the operator. The type of crops to be grown at the hobby farm are mainly seasonal green vegetables and they will not be sold at the markets.
- (e) In response to the comments of the Drainage Services Department, the applicant proposes the designation of a non-operational buffer of 3m to 4m wide, with chain link fence provided along its boundary, to prevent visitors from reaching the adjoining stream course to the west (**Appendix Ia** and **Drawing A-1**). The development will not induce adverse traffic, environmental, landscape and drainage impacts to the surrounding areas.
- (f) The sewage and waste generated by the campers and visitors will be stored and tinkered away by a licensed contractor at least three times a week (i.e. Saturday, Sunday, and once on a weekday).
- (g) The applicant will follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department.

### **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is one of the "current land owners". In respect of the other "current land owner(s)", the applicant has complied with the requirements 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. 31A) by publishing newspaper notice and posting site notice. Detailed information would be deposited at the meeting for Members' inspection.

### **4. Town Planning Board Guidelines**

Minor portion of the Site (about 12%) falls within an area zoned "GB" on the OZP. The Town Planning Board Guidelines for 'Application for Development within Green Belt Zone under Section 16 of the Town Planning Board Ordinance' (TPB PG-No. 10) is relevant to the application. Relevant extract of the Guidelines is at **Appendix II**.

### **5. Background**

The Site is currently not the subject of any planning enforcement action.

## **6. Previous Application**

The Site is not involved in any previous application.

## **7. Similar Applications**

7.1 There are 3 similar applications (No. A/YL-KTN/536, 693 and 844) for temporary holiday camp / caravan holiday camp (the operation of the latter is similar to commercially operated tent camping ground under application), all with hobby farm use within the same “AGR” zone in the vicinity of the Site in the past 5 years (**Plan A-1**). There are another 10 similar applications (No. A/YL-KTN/579, 609, 610, 630, 666, 691, 697, 726, 766 and 782) for hobby farm use within the same “AGR” zone in the vicinity of the Site within the same timeframe. All the applications were approved with conditions by the Committee between January 2017 and August 2022 mainly on the grounds that temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the developments would unlikely cause significant adverse environmental, traffic, landscape or drainage impacts; and relevant departments consulted generally had no adverse comment on the application or their technical concerns could be addressed by relevant approval conditions. Nevertheless, seven applications (No. A/YL-KTN/579, 609, 610, 630, 666, 691 and 693) were revoked owing to non-compliance with approval conditions.

7.2 Details of the similar applications are summarized at **Appendix III** and the locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) partly fenced, formed and used for the applied use without planning permission; and
- (b) accessible from Chi Ho Road via a local access.

8.2 The surrounding areas have the following characteristics:

- (a) to its north is woodland within an area zoned “GB”;
- (b) to its east and southeast are a temple named ‘Hip Tin Temple’ (協天宮), grassland, a storage yard and a site with construction works in progress;
- (c) to its south is Chi Ho Road and Kam Tin North River. To its further south is the Kam Tin Bypass; and
- (d) to its west, across a stream course, within an area zoned “Village Type Development”, are a tent camping ground with valid planning permission (No. A/YL-KTN/795), a site with construction works in progress (with valid planning permission for temporary eating place and public car park under Application No. A/YL-KTN/717) and vacant land.

## **9. Planning Intentions**

- 9.1 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.
- 9.2 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by nature features and to contain urban sprawl as well as to provide passive recreation outlets. There is a general presumption against development within this zone.

## **10. Comments from Relevant Government Departments**

All 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 IV and V** respectively.

## **11. Public Comments Received During Statutory Publication Period (Appendix VI)**

The application was published for public inspection. During the statutory public inspection period, 64 public comments were received. 61 individuals in standard letters support the application for reasons that the development could foster local tourism development; the Site is located at a secluded yet convenient location suitable for the applied use; the application is on a temporary basis and will not set an undesirable precedent; and the scale of the development is small and it would not induce adverse impacts to the neighbourhood. The other three public comments from the Kadoorie Farm & Botanic Garden Corporation, the Conservancy Association and an individual object to the application mainly on the grounds that the development is not in line with the planning intention of “AGR” and “GB” zones; the Site should be retained for cultivation purpose; insufficient information is provided on the application; the setting of an undesirable precedent; and the potential light and noise pollution, sewerage and hygiene problems to be generated.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for temporary holiday camp, place of recreation, sports or culture (hobby farm), barbecue site and ancillary supporting facilities for a period of 3 years at the Site mainly zoned “AGR” (about 88%), with a minor portion zoned “GB” (about 12%) on the OZP (**Plan A-1**). 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. As regards the portion falling within the “GB” zone, its planning intention is primarily for defining the limits of urban and sub-urban development areas by nature features and to contain urban sprawl as well as to provide passive recreation outlets. There is a general presumption against development within

this zone. Whilst the major parts of the applied use for tent camping ground and barbecue site are not entirely in line with the planning intention of the “AGR” and “GB” zones, according to the applicant, about 15% of the Site will be used for farming area, DAFC has no strong view against the application from agricultural and nature conservation points of view. Besides, the holiday camp, hobby farm and barbecue site uses under application are mainly leisure and recreational uses which can meet the recreational needs of people in Hong Kong subject to proper regulation and site management. Given its temporary nature, it is considered that approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “AGR” and “GB” zones.

- 12.2 The Site is located in an area of rural landscape character comprising vacant land, farmland, village houses, temporary structures, scattered tree groups and woodland within the “GB” zone in the north (**Plans A-2 and A-3**). The CTP/UD&L of PlanD has no objection to the application from the landscape planning perspective and considers that the development is not incompatible with the surrounding landscape character of the area. Significant adverse landscape impact arising from the applied use is not anticipated. According to the TPB PG-No. 10, passive recreational uses which are compatible with the character of the surrounding areas may be given sympathetic consideration.
- 12.3 Taking into account the nature of the development, significant adverse traffic, environmental, landscape and drainage impacts arising from the development to the surrounding area is not anticipated. To address the concern of CE/MN of DSD on the possible impact of the development on the nearby stream course to the west, the applicant has proposed to designate a non-operational buffer of about 3m to 4m wide, with chain link fence provided, to prevent visitors from reaching the stream course (**Drawing A-1**). Relevant government departments consulted including C for T, DEP, CE/MN of DSD, D of FS and CTP/UD&L of PlanD have no adverse comment on the application. To minimise any potential environmental nuisances and to address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. 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, and the relevant Practice Note for Professional Person PN 5/93 on “Drainage Plans subject to Comment by the Environmental Protection Department” including percolation test if septic tank and soakaway system will be used at the Site.
- 12.4 There are 3 similar applications for holiday camp or caravan holiday camp uses (all with hobby farm use), and 10 similar applications for hobby farm use within the same “AGR” zone in the vicinity of the Site (**Plan A-1**). All the applications were approved by the Committee between 2017 and 2022 for reasons as stated in paragraph 7 above. Approval of the current application is in line with the Committee’s previous decisions on similar applications.
- 12.5 Regarding the public comments on the application as detailed in paragraph 11 above, government departments’ comments and planning assessments above are relevant.

### 13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the applied use could be tolerated for a period of 3 years.
- 13.2 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 9.9.2025. 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 **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.3.2023;
- (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 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 9.3.2023;
- (d) in relation to (c) 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 9.6.2023;
- (e) 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; and
- (f) if any of the above planning condition (a), (c) 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.

#### Advisory clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use is not in line with the planning intentions of the "AGR" and "GB" zones, which are primarily to retain and safeguard good agricultural land/farm/fish pond for agricultural purposes and also intended to retain fallow arable land with good potential for rehabilitation; and for defining the limits of urban and sub-urban development areas by nature features and to contain urban sprawl as well as to provide passive recreation outlets and there is a general presumption against development within the "GB" zone, respectively. There is

no strong planning justification given in the submission for a departure from the planning intentions, even on a temporary basis.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

#### **15. Attachments**

<b>Appendix I</b>	Application form with supplementary information received on 15.2.2022
<b>Appendix Ia</b>	FI received on 28.3.2022
<b>Appendix Ib</b>	FI received on 12.7.2022
<b>Appendix Ic</b>	FI received on 26.8.2022 and 1.9.2022
<b>Appendix II</b>	Relevant extract of TPB PG-No. 10
<b>Appendix III</b>	Similar applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comments
<b>Drawing A-1</b>	Site layout plan
<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>Plan A-4</b>	Site photos