

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/829

<u>Applicant</u>	:	Urban Quit Limited represented by Mr. TANG Lok San
<u>Site</u>	:	Lot 1750A2 RP in D.D. 107 and Adjoining Government Land, Kam Tin North, Yuen Long
<u>Site Area</u>	:	About 3,312.5 m ² (including about 972m ² of government land)
<u>Land Status</u>	:	(i) Block Government Lease (demised for agricultural use) (about 70.7% of the Site) (ii) Government Land (about 29.3% of the Site)
<u>Plan</u>	:	Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Temporary Holiday Camp with Ancillary Facilities for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary holiday camp with ancillary facilities for a period of 3 years and filling of land. The Site falls within an area zoned “AGR” on the approved Kam Tin North OZP (**Plan A-1**) and the applied use is neither a Column 1 nor Column 2 use in the “AGR” zone. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within “AGR” zone requires planning permission from the Board notwithstanding that the use or development is not provided for in terms of the OZP. Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is currently partly paved and partly grassed and used for the applied use without planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is the subject of two previous applications (No. A/YL-KTN/610 and 766) approved for temporary hobby farm but unrelated to the current application as detailed in paragraph 5 below.
- 1.3 According to the applicant, apart from 8 tent camping sites provided within the Site, the development also involves six 1-storey structures (with building height of not more than 3.5m) and a total floor area of about 78.7m² for reception area, ancillary storage, restroom and marquee uses. Part of the Site (about 704.7m² or about 21%) has been filled with concrete and asphalt by about 0.3m in depth

(from about +3.6mPD to +3.9mPD) for site formation, construction of structures and circulation space. 8 private car parking spaces and 1 loading/unloading space for light goods vehicle are provided at the Site. The operation hours are 24 hours daily including public holidays whilst staff will stay at the Site from 11:00 a.m. to 7:00 p.m. The applicant estimates that the Site can accommodate about 10 to 15 visitors (3 to 4 families) during weekdays, and about 25 to 30 visitors (6 to 8 families) during weekends and public holidays. The Site is accessible from Castle Peak Road – Tam Mi via a local track (**Plans A-1 and A-2**). The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application form with supplementary information received on 29.3.2022 and 31.3.2022 **(Appendix I)**
- (b) Further Information (FI) received on 14.7.2022 **(Appendix Ia)**

1.5 At the request of the applicant, the Rural and New Town Planning Committee (the Committee) agreed on 20.5.2022 to defer making a decision 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 May 2022, the applicant submitted FI on 14.7.2022. The application is 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 FI at **Appendices I and Ia** respectively as summarized below:

- (a) The application is temporary in nature and would not frustrate the long-term planning intention of the “AGR” zone. The temporary holiday camp can better utilize the abandoned agricultural land and serve as a passive recreation site to meet the pressing demand for outdoor activities in Hong Kong.
- (b) The land filling is for site formation, building of structures and circulation space, the extent of which has been minimized to meet the temporary holiday camp’s operational need. The applicant will reinstate the Site to a condition suitable for farming upon expiry of the planning permission.
- (c) The development is not incompatible with the rural character of the surrounding areas. No public announcement system or any form of audio amplification system will be used at the Site. The development will not result in significant adverse impacts to the nearby area.
- (d) Staff will stay at the Site between 11:00 a.m. and 7:00 p.m. daily to assist the site management and ensure its cleanliness and tidiness.
- (e) The applicant will comply with all the approval conditions should the application be approved by the Board. The applicant will also strictly follow the ‘Code of Practice

on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department, and the Professional Persons Environmental Consultative Committee Practice Notes for sewage treatment at the Site.

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

The applicant is not a “current land owner” but 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 posting site notices and sending notices to the Kam Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the government land portion within the Site, 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/590) against unauthorised development (UD) involving use for tent camping ground. Latest site inspection revealed that UD has not been discontinued. Enforcement action may be taken against the UD by the Planning Authority.

5. Previous Applications

5.1 The Site is involved in two previous applications (No. A/YL-KTN/610 and 766) both for temporary hobby farm which are not relevant to the current application. All applications, with the latter one submitted by the same applicant as the current application, were approved with conditions by the Committee in August 2018 and June 2021 mainly on the grounds that temporary approval of the applications would not frustrate the long-term planning intention; the applied uses were not incompatible with the surrounding land uses; the developments would unlikely cause significant adverse impacts and/or relevant departments’ technical concerns could be addressed through appropriate approval conditions. Nevertheless, the planning permission of application No. A/YL-KTN/610 was revoked in February 2020 owing to non-compliance with approval conditions. As the applicant intends to use the Site for a different applied use, i.e. temporary tent camping ground, a fresh planning application is submitted.

5.2 Details of the previous applications are summarized at **Appendix II** and the locations are shown on **Plan A-1**.

6. Similar Applications

6.1 There are six similar applications (No. A/YL-KTN/665, 693, 772, 817, 833 and 844) for similar temporary holiday camp / caravan holiday camp with/without filling of land within the same “AGR” zone in the vicinity of the Site in the past 5 years (**Plan A-1**). All applications were approved with conditions by the Committee between July 2019 and August 2022 on similar considerations as

stated in paragraph 5.1 above. However, the planning permission of Applications No. A/YL-KTN/665, 693 and 772 were revoked between December 2021 and July 2022 due to non-compliance with an approval condition.

- 6.2 Details of the similar applications are summarized at **Appendix II** and the locations are shown on **Plan A-1**.
- 6.3 Apart from the above similar application, Application No. A/YL-KTN/850 for proposed temporary holiday camp with ancillary facilities for a period of 3 years within the same “AGR” zone (**Plan A-1**) will be considered at the same meeting.

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 currently used for the applied use without planning permission; and
 - (b) accessible from Castle Peak Road – Tam Mi via a local access.
- 7.2 The surrounding areas have the following characteristics:
 - (a) 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 fallow agricultural land and vacant land; and
 - (b) to its south are plant nurseries. To its immediate west are grassland and a site for recreational use (with valid planning permission).

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, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, planning permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 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 in **Appendices III and IV** respectively.

- 9.2 The following government department has objection to / reservation on the application.

Agriculture and Nature Conservation

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

- (a) the agricultural activities are active in the vicinity of the Site and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as greenhouses and plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the development falling within the “AGR” zone is not supported from agricultural perspective; and
- (b) from nature conservation point of view, DAFC has no adverse comment on the application.

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

The application was published for public inspection. During the statutory public inspection period, three public comments were received from the Conservancy Association, Kadoorie Farm & Botanic Garden Corporation and an individual. The commenters object to the application mainly on the grounds that the development is not in line with the planning intention of “AGR” zone; the development will cause adverse sewage and environmental impacts including light and noise pollution to the nearby area; and the Site is involved in unauthorized development, the approval of which would set an undesirable precedent.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary holiday camp, providing 8 tent camping sites, with ancillary facilities for a period of 3 years and filling of land (by about 0.3m in depth) in the “AGR” zone (**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. The applied use, which is for mainly leisure and recreational use, is not in line with the planning intention and DAFC does not support the application as the Site has potential for agricultural rehabilitation. Nevertheless, 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” zone. Filling of land in the “AGR” zone requires planning permission from the Board. In this regard, CE/MN of DSD and DEP have no adverse comment from the drainage and environmental perspectives.
- 11.2 The development is considered not incompatible with the surrounding land uses which are rural in character intermixed with hobby farm, plant nurseries, ponds, fallow agricultural land and vacant land. The CTP/UD&L of PlanD considers that significant adverse landscape impact within the Site arising from the applied

use is not anticipated and has no objection to the application from the landscape planning perspective.

- 11.3 Taking into account the nature and scale of the development, it is anticipated that the development would not cause significant adverse traffic, environmental and drainage impacts to the surrounding area. Other 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 environmental nuisances and to address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, 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.
- 11.4 The Site is the subject of two previous applications (No. A/YL-KTN/610 and 766) approved by the Committee for temporary hobby farm use, with the latter one submitted by the same applicant as the current application. Both applications were approved by the Committee in 2018 and 2021 for reasons as stated in paragraph 5.1 above. There are six similar applications (No. A/YL-KTN/693 and 817) for similar temporary holiday camp / caravan holiday camp with/without filling of land within the same "AGR" zone in the vicinity of the Site (**Plan A-1**). All similar applications were approved by the Committee between 2019 and 2022 for reasons as stated in paragraph 6 above. As the planning circumstances of the current application are similar to the above approved similar applications, approval of the current application is in line with the Committee's previous decisions.
- 11.5 Regarding the public comments on the application as detailed in paragraph 10 above, government departments' comments and planning assessments 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, the Planning Department considers that the temporary use under application 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 three years until 9.9.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a 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 implementation of the 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 9.6.2023;
- (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 9.3.2023;
- (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 9.6.2023;
- (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;
- (g) if any of the above planning condition (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; and
- (h) 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 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 to retain and safeguard good quality agricultural land/farm/fish pond for agricultural purposes. The zone is also intended to retain fallow arable land with good potential for rehabilitation. 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 reasons for rejection should be given to the applicant.

14. **Attachments**

Appendix I	Application form with supplementary information received on 29.3.2022 and 31.3.2022
Appendix Ia	FI received on 14.7.2022
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
Plan A-1	Location plan with similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2022**