

RNTPC Paper No. A/YL-KTN/830  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 10.6.2022

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**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTN/830**

- Applicant** : Kam Tin Country Club Ltd. represented by Top Bright Consultants Ltd.
- Site** : Lots 680 (Part), 681 (Part), 682 (Part), 684 RP (Part) and 1615 (Part) in D.D. 109 and Adjoining Government Land, Shui Mei Tsuen, Kam Tin North, Yuen Long
- Site Area** : About 8,520m<sup>2</sup> (including about 673m<sup>2</sup> of government land)
- Land Status** : (i) Block Government Lease (demised for agricultural use) and New Grant Lot (about 92.1% of the Site)
- (ii) Government Land (about 7.9% of the Site)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zonings** : “Village Type Development” (“V”) (about 86.1% of the Site) [maximum building height of 3 storeys (8.23m)]
- “Agriculture” (“AGR”) (about 13.9% of the Site)
- Application** : Renewal of Planning Approval for Temporary Place of Recreation (including Barbecue Spot, Picnic Area, Children Playground and Handicraft Making Area) with Ancillary Facilities for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary place of recreation (including barbecue spot, picnic area, children playground and handicraft making area) with ancillary facilities for a period of 3 years. About 86.1% of the Site falls within the “V” zone. According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture’ is a Column 2 use within the “V” zone which requires planning permission from the Town Planning Board (the Board) whilst the same use in the “AGR” zone is neither a

Column 1 nor Column 2 use and temporary use not exceeding a period of 3 years requires planning permission from the Board, notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for the applied use under Application No. A/YL-KTN/658 with planning permission valid until 10.6.2022.

- 1.2 According to the applicant, the development is a recreational and tourist attraction comprising recreational facilities such as badminton and basketball courts, barbecue spot, picnic area, children playground and handicraft making area. There are 9 single-storey converted container / canopy structures with building height ranging from 2m to 2.5m and total floor area of 642 m<sup>2</sup> for snacks bar, shade shelters, site office, store rooms and toilets. A pond occupies the central part of the Site. A total of 23 parking spaces for visitors are provided within the Site. The operation hours are restricted from 10:00 a.m. to 6:00 p.m. on Mondays to Fridays and from 10:00 a.m. to 9:00 p.m. on Saturdays and Sundays. Septic tank is provided at the Site. No audio amplification system and portable loud speaker will be used at the Site. The Site is accessible to Kam Tin Road via a local track. The site layout plan submitted by the applicant is shown on **Drawing A-1**.
- 1.3 The Site is the subject of five previous applications for similar / same temporary place of recreation use (details at paragraph 5 below). The current application is the same as the last approved application No. A/YL-KTN/658 submitted by the same applicant in terms of the applied use, site area/boundary, site layout, major development parameters and car parking spaces.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application form with Supplementary Planning Statement received on 14.4.2022 (**Appendix I**)
  - (b) Further information (FI) received on 31.5.2022 (**Appendix Ia**)

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

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary planning statement and FI in **Appendices I and Ia**. They can be summarized as follows:

- (a) The temporary nature of the development will not jeopardize the long-term planning intentions of the “AGR” and “V” zones. The agricultural land in the area have been left fallow or converted for other uses as farming activities are gradually declining.
- (b) The development can cater for the future Northern Metropolis Development Strategy by providing eco-recreation / tourism space in advance and in a timely manner to enrich people’s lives and encourage a healthy lifestyle. The

development could also help achieve a more balanced mix of recreational land in Yuen Long and establish recreational areas to meet public and local recreational demands.

- (c) The development provides a leisure spot option for the public in the face of the closing of public venues amidst the pandemic since January 2020.
- (d) The development is compatible with the surrounding rural land uses and can help maintain a harmonious rural environment by preserving and reinforcing the rural, agricultural and recreational character of the area. The Site is landscaped and well maintained by the applicant.
- (e) The renewal application complies with the relevant Town Planning Board Guidelines No. 34D in that there have been no material changes in planning circumstances since the previous planning approval; there are no adverse planning implications arising from the renewal of the planning approval; and the planning conditions under the previous planning approval have been complied with within the specified time limits.
- (f) The development would have no adverse traffic, drainage, sewerage and environmental impacts on the surrounding areas.
- (g) The development is most welcome by the locals and community organizations and supports the social and economic development of the nearby villages by complementing the local tourist industry since its operation in 2007. There were 5 previous applications approved at the Site and favourable consideration may be given by the Board on this application.

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

The applicant is not a “current land owner” of the Site 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 notice and sending notice 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 within the Site, TPB PG-No. 31A is not applicable.

### **4. Background**

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

## **5. Previous Applications**

- 5.1 The Site is involved in five previous applications for similar / same temporary place of recreation use. All the applications were approved with conditions by the Committee between June 2007 and May 2019. The main reasons of approval include temporary approval of the applications would not frustrate the long-term planning intentions; the developments were considered not incompatible with the surrounding land uses; the developments were generally in line with the relevant Town Planning Board Guidelines for renewal of planning approval for temporary use or development; relevant departments in general had no adverse comments or their concerns could be addressed by appropriate approval conditions.
- 5.2 Compared with the last approved application No. A/YL-KTN/658, the current application is the same as the last application in terms of the applied use, site area / boundary, site layout and major development parameters. The applicant has complied with all the approval conditions and the planning permission was valid until 10.6.2022.
- 5.3 Details of these applications are summarized in **Appendix III** and the locations are shown on **Plan A-1**.

## **6. Similar Application**

There is no similar application within the same “V” and “AGR” zones in the vicinity on the OZP in the past 5 years.

## **7. The Site and Its Surrounding Areas (Plans A-1 to A-4b)**

- 7.1 The Site is:
- (a) currently used for the applied use covered by valid planning permission under Application No. A/YL-KTN/658; and
  - (b) accessible via a local track branching off from Kam Tai Road to the south.
- 7.2 The surrounding areas have the following characteristics:
- (a) to its east and northeast are a barbecue site, a plant nursery, ponds and a playground forming part of the Kam Tin Country Club;
  - (b) to its south are residential dwellings/structures, a car park and a pond;
  - (c) to its west and northwest are the village settlements of Shui Mei Tsuen and Shui Tau Tsuen with village houses/residential dwellings, an ancestral hall, a car park and grass land; and

- (d) to its north are residential dwellings/structures and parking of vehicles.

## **8. Planning Intentions**

- 8.1 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. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. 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.
- 8.2 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 Departments**

All 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 IV** and **V** respectively.

## **10. Public Comment Received During Statutory Publication Period (Appendix VI)**

The application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received. The commenter doubts whether the use of the government land portion of the Site is approved by the Lands Department and whether the existing structures within the Site are approved by the Buildings Department.

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

- 11.1 The application is for renewal of planning permission for temporary place of recreation (including barbecue spot, picnic area, children playground and handicraft making area) with ancillary facilities for a period of 3 years. Majority of the Site (86.1%) falls within the “V” zone with a small portion (13.9%) falling within the “AGR” zone. The planning intention of the “V” 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. According to DLO/YL, there is no Small House application approved or being processed within the Site. The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC has no adverse comments on the application from agriculture perspective. It is considered that temporary approval of the renewal application for a further period of 3 years would not jeopardize the long-term planning intentions of the “V” and “AGR” zone.

- 11.2 The development is considered not incompatible with the surrounding area, which is mainly rural in character intermixed with village houses/residential structures, ponds, parking lots, a plant nursery, a playground, a barbeque site and grass land.
- 11.3 The application is considered generally in line with the TPB PG-No. 34D in that previous approvals for similar / same use were granted since 2007 and all approval conditions under the last approved application (No. A/YL-KTN/658) have been complied with. The current application submitted by the same applicant is the same as the last approved application in terms of applied use, site boundary and area, and major development parameters. Relevant departments consulted, including C for T, DEP, CE/MN of DSD and D of FS, have no adverse comment on the application. As there is no major change in planning circumstances since the last approval, favourable consideration could be given to the renewal application for a further period of 3 years.
- 11.4 To minimize the possible environmental nuisances generated by the development and address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 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 Uses” issued by DEP.
- 11.5 The Site is the subject of 5 previous applications approved for the same / similar temporary place of recreation use between 2007 and 2019. Approval of the current renewal application is in line with the Committee’s previous decisions.
- 11.6 One public comment was received during the statutory publication period, providing views on the application as stated in paragraph 10 above. In this regard, the departmental comments and planning considerations and assessments 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 comment 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 3 years, and be renewed from 11.6.2022 until 10.6.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 9:00 p.m. to 10:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 6:00 p.m. to 9:00 p.m., on Mondays to Fridays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site at any time during the planning approval period;
- (d) no pond filling or paving, as proposed by the applicant, is allowed on the Site and the Site shall remain the same as the current situation under which surface runoff of the Site will flow into the existing pond during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on the Site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.9.2022;
- (g) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (h) if any of the above planning condition (a), (b), (c), (d), (e) or (g) 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
- (i) if the above planning condition (f) 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.

*[The above approval conditions are the same as those under planning permission for previous application No. A/YL-KTN/658, except deletion of the*

*conditions related to reinstatement of the Site, and submission and implementation of fire service installations proposal, and inclusion of the condition on maintenance of the existing fire service installations facilities based on relevant departments' comments.]*

Advisory clauses

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

12.3 There is no strong reason to recommend rejection of the renewal application.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning application.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses, 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 supplementary planning statement received on 14.4.2022
<b>Appendix Ia</b>	FI received on 31.5.2022
<b>Appendix II</b>	Relevant extract of TPB PG-No. 34D
<b>Appendix III</b>	Previous applications
<b>Appendix IV</b>	Government department's general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comment
<b>Drawing A-1</b>	Site layout plan
<b>Plan A-1</b>	Location plan



<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4a &amp; A-4b</b>	Site photos

**PLANNING DEPARTMENT  
JUNE 2022**