

RNTPC Paper No. A/YL-KTN/833
For Consideration by
the Rural and New Town
Planning Committee
on 10.6.2022

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/833

Applicant : Mr. TANG Wai Ip

Site : Lots 1243 (Part), 1244, 1245, 1246 (Part) and 1247 (Part) in D.D. 107, Kam Tin North, Yuen Long

Site Area : About 2,661.4m²

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 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 proposed 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 Kam Tin North OZP and “Holiday Camp” is neither a Column 1 nor Column 2 use in the “AGR” zone. According to the covering Notes of the OZP, temporary use not exceeding a period of 3 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. Filling of land within “AGR” zone also requires planning permission from the Board. The Site is formed and vacant and part of which is overgrown with weeds (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed temporary holiday camp can accommodate not more than 16 tents for a maximum of 32 visitors. The proposed development also involves six single-storey structures (maximum 3.5m high) with a total floor area of about 91.5m² for changing space, reception, storage and toilet uses. About 21% of the Site (558.7m²) will be filled with gravel and concrete by about 0.3m in depth (from +14.6 mPD to +14.9 mPD) for site formation of structures, car parking and vehicle circulation. The operation hours will be 24 hours daily, including Sundays and public holidays. The applicant states that three to four staff members will be working at the Site between 10:00 am to 7:00 pm. Two private car parking spaces and one light goods vehicle loading/unloading space will be provided within the Site. A road for public use, connecting areas to

the north and south of the development, is proposed in the middle of the Site. The Site is accessible via a local track branching off from Castle Peak Road – Tam Mi (**Plan A-1**). The site layout plan with indication of the area of land filling submitted by the applicant is at **Drawings A-1**.

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

- (a) Application form with supplementary information (Appendix I)
received on 22.4.2022
- (b) Further Information (FI) received on 2.6.2022 (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 information and FI in **Appendices I** and **Ia**. They can be 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.
- (b) The proposed development is compatible with the surrounding environment. It intends to provide a tent camping ground to the locals and visitors for meeting the increasing needs for outdoor leisure and recreational activities in Hong Kong.
- (c) About 21% of the Site will be paved for site formation and circulation purpose for meeting the operational need of the proposed tent camping ground.
- (d) The Site could be accessed via public transport and the proposed development will not induce significant adverse traffic impacts. It will also not create adverse environmental and drainage impacts on the surrounding areas.

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

The applicant is not the “current land owner” 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.

4. **Background**

The Site is not subject to any planning enforcement action.

5. **Previous Application**

The Site is not involved in any previous application.

6. Similar Applications

- 6.1 There are 5 similar applications (No. A/YL-KTN/536, 665, 693, 772 and 817) for similar temporary holiday camp use in the vicinity of the Site within the same “AGR” zone in the past 5 years (all involving caravan holiday camp use and 3 of which involving filling of land). All applications were approved with conditions by the Rural and New Town Planning Committee (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 and drainage impacts; and concerned departments generally had no objection to the application or their concerns could be addressed by relevant approval conditions. Nevertheless, the planning permission of Application No. A/YL-KTN/665 was revoked owing 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) formed, vacant and part of which is overgrown with weeds; and
 - (b) accessible via a local track branching off from Castle Peak Road – Tam Mi.
- 7.2 The surrounding areas have the following characteristics:
- (a) to its north are residential dwellings/structures (the nearest to its immediate north), open storage/ storage yard, parking of vehicles, grassland and vacant land;
 - (b) to its immediate east is a stream course. Further east, northeast and southeast across the stream course are a privately operated outbound training center, residential dwelling/structures, a dog kennel covered by valid planning permission under Application No. A/YL-KTN/811, an open storage/ storage yard, grassland and vacant land; and
 - (c) to its south, southwest and west are sites with construction works in progress (covered by valid planning permissions for various temporary uses), an open storage yard, a dried up pond, grassland and vacant land.

8. Planning Intention

- 8.1 The planning intention of the “AGR” zone is 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, permission from the Board is required for such activities.

9. Comments from Relevant Government Department

- 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 Site falls within the “AGR” zone and is vacant. The agricultural activities are active in the vicinity (**Plan A-3**), and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the development proposal falling within the “AGR” zone is not supported from agricultural perspective;
- (b) from nature conservation point of view, DAFC has no adverse comment on the application; and
- (c) DAFC’s other advisory comments are provided in the Recommended Advisory Clauses in **Appendix IV**.

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

The application was published for public inspection. During the statutory publication period, four public comments from the Kadoorie Farm and Botanic Garden Corporation, the Conservancy Association and two individuals 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 proposed use would cause adverse traffic, environmental, drainage and sewerage impacts, and light and noise nuisance to the nearby residents; approval of the application would set an undesirable precedent; and the Site belongs to Sha Po area and the local villagers should be consulted on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary holiday camp with ancillary facilities for a period of 3 years in the “AGR” zone, with filling of land at part of the Site (about 558.7m² / 21%) by not more than 0.3m in depth. The proposed development is not

in line with the planning intention of the “AGR” zone which is to retain and safeguard good 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. DAFC does not support the application as the Site falling within the “AGR” zone 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 within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, CE/MN of DSD and DEP have no adverse comment from the drainage and environmental perspectives.

- 11.2 The proposed 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, privately operated recreational facilities, parking of vehicles, open storage/ storage yards, a dog kennel, grassland and vacant land.
- 11.3 Taking into account the nature of the proposed development, the application 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 that may be caused by the proposed use, the applicant will be advised to avoid polluting or disturbing the adjacent watercourse during both construction and operation stages 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 and the relevant Practice Note for Professional Person PN 5/93 on “Drainage Plans subject to Comment by the Environmental Protection Department” including completion of percolation test and certification by Authorized Person if septic tank and soakaway system will be used.
- 11.4 The Site is not involved in any previous application. There are 5 similar applications involving similar temporary holiday camp (3 of which involving filling of land) 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 proposed 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 10.6.2025. 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 10.12.2022;
- (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 10.3.2023;
- (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 10.12.2022;
- (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 10.3.2023;
- (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 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.

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 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, 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

Appendix I	Application form with supplementary information received on 22.4.2022
Appendix Ia	FI received on 2.6.2022
Appendix II	Similar applications within the same “AGR” zone in the vicinity of the Site
Appendix III	General departmental 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
JUNE 2022**