

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

**APPLICATION NO. A/YL-KTN/838**

<b><u>Applicant</u></b>	: Mr. Tang Lok San
<b><u>Site</u></b>	: Lots 822, 824, 826 and 827 in D.D. 109, Kam Tin North, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 3,669.6m <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>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) and 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 place of recreation, sports or culture (hobby farm) and holiday camp with ancillary facilities for a period of 3 years and filling of land. 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 or building not exceeding a period of three years requires planning permission from the Board. Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is vacant, partly fenced, partly formed and paved, and partly covered with weeds (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the Site is divided into four land parcels, separated by government land in-between. The eastern portion of the Site comprising Lot 827 (occupying about 1,507m<sup>2</sup> or 41% of the Site) will be used for hobby farm which can accommodate a maximum of 72 visitors per day. The western portion comprising Lots 822, 824 and 826 (occupying about 2,162.6m<sup>2</sup> or 59% of the Site) will be used for holiday camp which can accommodate a maximum of 18 tents for 36 visitors per day.

- 1.3 The proposed development will involve 9 one-storey temporary structures (**Drawing A-1**) with building height ranging from about 3.5m to 4m and a total floor area of about 256.56m<sup>2</sup> for reception, changing rooms, mobile toilets and ancillary storage (with canopies above). The applicant states that the hobby farm will be opened to both the holiday camp visitors and the general public. About 11.3% of the Site (about 413.1m<sup>2</sup>) will be paved by concrete of not more than 0.3m in depth (from +10.4mPD to +10.7mPD) for formation of structures. The estimated number of staff working at the Site is 4 to 5 for the holiday camp and 3 to 4 for the hobby farm. A loading/ unloading space for light goods vehicle will be provided at the Site. The operation hours of the holiday camp will be 24 hours daily (with stationed staff from 10:00 a.m. to 7:00 p.m.) whilst the operation hours of the hobby farm will be from 9:00 a.m. to 6:00 p.m. daily. The Site is accessible from Castle Peak Road – Tam Mi via Shui Mei Road and a section of local access. The site layout plan and paved area plan submitted by the applicant are at **Drawings A-1 and A-2**.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with supplementary information received on 25.5.2022 and 6.6.2022 respectively **(Appendix I)**
  - (b) Further Information (FI) received on 6.7.2022 **(Appendix Ia)**
  - (c) FI received on 13.9.2022 **(Appendix Ib)**
  - (d) FI received on 4.11.2022 and 8.11.2022 **(Appendix Ic)**
- 1.5 At the request of the applicant, the Rural and New Town Planning Committee (the Committee), on 15.7.2022, agreed to defer making a decision on the application for two months to allow time for the applicant to prepare FI to address the departmental comments.

## **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 to Ic** respectively. They can be summarized as follows:

- (a) The proposed use is for meeting the outdoor leisure and recreational needs of the local people and the public. The holiday camp site can provide an opportunity for the public to get in contact with the natural environment and visit the nearby historic monuments in the Kam Tin area.
- (b) The proposed use is on a temporary basis which will not jeopardize the long-term planning intention of the “AGR” zone. There has been no active agricultural activities at the Site since 2014. About 88.7% of the Site will be greenery area which is not incompatible with the surrounding rural environment.

- (c) The proposed development can promote agricultural activities and green lifestyle to the public, improve environmental quality in the vicinity and benefit the local community.
- (d) The visitors will be requested to bring their own food and take away the garbage. Staff will also be arranged to clean the Site daily and deliver the garbage and food waste to the nearest refuse collection station.
- (e) Land filling is for site formation of structures to support the operation of the proposed development, the extent of which has been kept to a minimum. The applicant will reinstate the Site upon expiry of the planning approval.
- (f) The proposed development would not cause adverse traffic, environmental, drainage and landscape impacts to the surrounding area.

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

The applicant is not the “current land owner” 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 notice to the Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site is currently not subject to any active planning enforcement action.

### **5. Previous Application**

There is no previous application at the Site.

### **6. Similar Applications**

- 6.1 There are 29 similar applications, involving 21 sites, for temporary hobby farm and/or temporary holiday camp (including caravan holiday camp) use in the vicinity of the Site within the same “AGR” zone in the past 5 years. Among these 29 applications, 6 of them, i.e. Applications No. A/YL-KTN/536, 665, 693, 772, 829 and 859, involve holiday camp or caravan holiday camp use, the operation of which is similar to the commercially operated tent camping ground under application. 10 of them involve filling of land (Applications No. A/YL-KTN/691, 693, 726, 745, 772, 782, 802, 806, 829 and 859). All the 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 applications or their technical concerns could be addressed by relevant approval conditions. However, the planning permissions for 17 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) vacant, partly fenced, partly paved and formed and partly covered with weeds; and
- (b) accessible from Castle Peak Road-Tam Mi via Shui Mei Road and a section of local access.

### **7.2 The surrounding areas have the following characteristics:**

- (a) to its east, north and south are grassland with some graves. To the further north and east is Lam Tsuen Country Park where grassland and scattered graves could be found;
- (b) to its west are residential structures / dwellings (the nearest about 60m to the northwest), active farmland and grassland; and
- (c) to the further northwest are grassland and some graves within an area zoned “Conservation Area”.

## **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, permission from the Board is required for such activities.

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

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 Statutory Publication Period (Appendix V)**

The application was published for public inspection. During the statutory publication period, two public comments from the Kadoorie Farm and Botanic Garden Corporation and an individual were received objecting to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “AGR” zone; the cumulative impacts of approving these applications in the area should be taken into account; the Site should be used for farming purpose; and no information on the operation details of the proposed use has been provided.

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

- 11.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm) and holiday camp with ancillary facilities for a period of 3 years and filling of land at part of the Site (about 413.1m<sup>2</sup> / 11.3%) by not more than 0.3m in depth for site formation of structures. 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 41% (or about 1,507m<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. As regards the proposed holiday camp for accommodating a maximum of 18 tents, it is intended for passive leisure and recreational use serving the locals and general public. It is considered that approval of the application on a temporary basis will not frustrate the long-term planning intention of the “AGR” zone. Filling of land within the “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 is considered not incompatible with the surrounding land uses which are rural in character predominated by residential structures/dwellings, a farm, active farmland and grassland. The CTP/UD&L of PlanD considers that the proposed development is not incompatible with the surrounding landscape character and significant adverse impact on the landscape resources within the Site arising from the proposed 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, the proposed use is not expected to cause significant adverse traffic, environmental, landscape and drainage impacts on the surrounding areas. Relevant departments consulted including C for T, DEP, CTP/UD&L of PlanD, CE/MN of DSD and D of FS have no adverse comment on the application. To minimize the possible environmental nuisances generated by the proposed 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 Sites' issued by DEP.

- 11.4 The Site is not involved in any previous application. There are 29 similar applications approved by the Committee in the past 5 years for temporary hobby farm and / or holiday camp (10 of which involve filling of land) within the same "AGR" zone in the vicinity of the Site for reasons as stated in paragraph 6.1 above. Approval of this application is in line with the Committee's previous decisions on similar applications.
- 11.5 Two public comments were received during the statutory publication period raising objection to the application as set out in paragraph 10 above. In this regard, the departmental comments as well as the planning assessments and considerations 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 11.11.2025. 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 11.5.2023;
- (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 11.8.2023;
- (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 11.5.2023;
- (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 11.8.2023;

- (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 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**

<b>Appendix I</b>	Application form with supplementary information received on 25.5.2022 and 6.6.2022
<b>Appendix Ia</b>	FI received on 6.7.2022
<b>Appendix Ib</b>	FI received on 13.9.2022

<b>Appendix Ic</b>	FI received on 4.11.2022 and 8.11.2022
<b>Appendix II</b>	Similar applications within the same “AGR” zone in the vicinity of the Site
<b>Appendix III</b>	Government departments’ general 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>	Paved area plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2022**