

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/844

<u>Applicant</u>	:	Loi Loi Leisure Farm Limited represented by R-riches Property Consultants Limited
<u>Site</u>	:	Lots 1750A4 RP (Part), 1750A5 RP (Part) and 1750A6 RP (Part) in D.D. 107, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	:	About 9,375m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Kam Tin North Outline Zoning Plan No. S/YL-KTN/9
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Temporary Holiday Camp, Place of Recreation, Sports or Culture (Hobby Farm and Prawning Ground) and Barbecue Site 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 place of recreation, sports or culture (hobby farm and prawning ground), barbecue site and holiday camp with ancillary facilities for a period of 3 years and filling of land. The Site is zoned “AGR” on the Kam Tin North OZP (**Plan A-1**). According to the Notes of the OZP, “hobby farm” and “prawning ground” are regarded as a ‘Place of Recreation, Sports or Culture’ use that requires planning permission from the Town Planning Board (the Board) under the “AGR” zone. “Holiday Camp” and privately owned 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 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 currently used for the applied use without planning permission (**Plans A-2 to A-4b**).

- 1.2 According to the applicant, the development involves the erection of 24 one-storey structures with building height ranging from about 2.8m to 5m and a total floor area of about 2,255m² for rain shelter (189m²), barbecue areas (635m²), children playing area (446m²), prawning ground (446m²), covered car parking area (88m²), reception and storage of tools (139m²), activities rooms (46m²), refreshment kiosks (232m²) and toilets (34m²), etc.. The tent camping area (about 1,921m²) can accommodate a maximum of 35 tents. There is also a farming area (about 943m² or 10% of the Site) serving as a hobby farm and an artificial pond of about 100m², together with Structures B9 and B15, for prawning activities for the exclusive use of the holiday camp visitors.
- 1.3 The applicant states that about 4,122m² (or 44% of the Site) has been paved by concrete and bricks by not more than 0.2m in depth (from about 3.9mPD to 4.1mPD and about 4.3mPD to 4.4mPD) for site formation of structures, vehicular circulation and children playing area. 18 private car parking spaces, and 1 loading/unloading space each for light goods vehicle and light bus are provided within the Site. The operation hours of the holiday camp (with stationed staff) will be 24 hours daily whilst the operation hours for the hobby farm, prawning ground and barbecue site will be from 9:00 a.m. to 10:00 p.m. daily including public holidays. The applicant estimates that not more than 70 visitors can be accommodated at the Site per day while the number of staff working at the Site is about 8. No public announcement system or any form of audio amplification system will be used at the Site. The Site is accessible from Chi Ho Road via a local track. The site layout and paved ratio plans submitted by the applicant are at **Drawings A-1 and A-2**.
- 1.4 The Site is the subject of two previous applications (No. A/YL-KTN/394 and 649) (details at paragraph 5 below).
- 1.5 The major development parameters of the application and the previously approved application No. A/YL-KTN/649 are summarized as follows:

Parameters	Previously Approved Application No. A/YL-KTN/649 (a)	Current Application No. A/YL-KTN/844 (b)	Difference (b) – (a)
Applied Use	Proposed temporary place of recreation, sports or culture (hobby farm)	Temporary place of recreation, sports or culture (hobby farm and prawning ground), barbecue site and holiday camp with ancillary facilities and filling of land	Addition of prawning ground, barbecue site, holiday camp and filling of land
Site Area	9,843m ²	9,375m ²	-468 (-4.8%)
Total Floor Area	2,268m ²	2,255m ²	-13 (-0.6%)
No. of Structures	11 (for farmer resting rooms, agriculture education rooms,	24 (for reception, storage of tools, activities rooms, refreshment kiosks, rain	+13 (+118%)

Parameters	Previously Approved Application No. A/YL-KTN/649 (a)	Current Application No. A/YL-KTN/844 (b)	Difference (b) – (a)
	refreshment kiosk, children play room, reception, storage of farm tool and rain shelter for fishing)	shelters (with children playing area, barbecue areas, prawning areas and two car parking spaces underneath), rain shelter, meter room and toilets)	
Building Height	About 3m, one storey	Ranging from 2.8m to 5m, one storey	+2m (+67%)
No. of Tents	---	Max. 35 tents	+35 (+3500%)
No. of Loading/ Unloading Space	1 (for light goods vehicle) and 1 (for light bus)	1 (for light goods vehicle) and 1 (for light bus)	---
No. of Parking Space	5 (for private car)	18 (for private car)	+13 (+260%)

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

- (a) Application form with supplementary information (**Appendix I**)
received on 23.6.2022
- (b) Further information (FI) received on 5.8.2022 (**Appendix Ia**)
- (c) FI received on 9.8.2022 (**Appendix Ib**)

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 in **Appendices I to Ib**. They can be summarized as follows:

- (a) Due to the travel restriction affected by the outbreak of COVID-19, the demand for local tent camping and barbecue site has increased. The applicant would like to expand the existing hobby farm approved under application No. A/YL-KTN/649 to include barbecue site, prawning ground and tent camping ground to meet the pressing demand for such activities in Hong Kong. The barbecue area is necessary for supporting the operation of the development in view of no eating place in the vicinity.
- (b) Significant adverse traffic, environmental, landscape and drainage impacts are not anticipated. Besides, the Site is the subject of a previous application approved for hobby farm use, hence approval of the current application will not set an undesirable precedent.

- (c) As heavy loading of structures would compact the existing soiled ground and weaken the ground surface, concrete site formation is required to provide stronger ground reinforcement to stabilize the existing soiled ground and prevent erosion from surface run-off. The extent of land filling has been kept to minimal for operation of the development. The applicant undertakes to reinstate the Site to an amenity area upon expiry of the planning permission.
- (d) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department (EPD) to minimize adverse environmental impacts and nuisance to the surrounding area, 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 notice and sending notice to the Kam Tin Rural Committee by registered post. 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 Applications

- 5.1 The Site is the subject of two previous applications (No. A/YL-KTN/394 and 649). The former application for proposed temporary field study/education centre and hobby farm was rejected by the Board on review on 14.6.2013 mainly on the grounds that the site was subject to unauthorized land filling with materials not suitable for cultivation; there was no detailed information provided on the design and operation details of the development; and the applicant failed to demonstrate that the development would not generate adverse landscape and drainage impacts. The latter application for temporary hobby farm was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 3.5.2019 for a period of 5 years mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention; the proposed use was not incompatible with surrounding land uses; relevant departments had no objection to or no adverse comment; and/or their technical concerns could be addressed by approval conditions. Details of the previous applications are summarized in **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Compared with the last application (No. A/YL-KTN/649), the current application is submitted by the same applicant for the same temporary hobby farm use with the

addition of ‘barbecue site’, ‘prawning ground’, ‘holiday camp’ and ‘land filling’ to the applied use at a slightly smaller site with changes to the site layout and development parameters. A comparison of the two applications are provided at paragraph 1.5 above.

6. Similar Applications

- 6.1 There are 24 similar applications for temporary hobby farm in the vicinity of the Site within the same “AGR” zone in the past 5 years. Among these 24 applications, 4 of them, i.e. Applications No. A/YL-KTN/536, 665, 693 and 772, also involve caravan holiday camp use, the operation of which is similar to the commercially operated tent camping ground under application. All the applications were approved with conditions by the Committee between January 2017 and May 2022 mainly for similar reasons as stated in paragraph 5.1 above. However, the planning permissions for eleven 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-4b)

- 7.1 The Site is:
- (a) currently used for the applied use without planning permission; and
 - (b) accessible via a local track branching off from Chi Ho Road.
- 7.2 The surrounding areas have the following characteristics:
- (a) to its north across a nullah are grassland, fallow agricultural land and vacant land;
 - (b) to its immediate east is a hobby farm with valid planning permission (No. A/YL-KTN/766). To the further east across Shui Mei Road is an area zoned “Village Type Development” (“V”) where a few ponds can be found;
 - (c) to its south are a plant nursery, a storage yard and a few vacant land parcels (one of which is approved for proposed public utility installation (solar energy system) under application No. A/YL-KTN/785); and
 - (d) to its west, across a local track, is an area zoned “Comprehensive Development Area (1)” (“CDA(1)”) with open storage yards and vacant land, the site of which is approved for proposed flat, shop and services, eating place, school and social welfare facilities and public transport interchange uses under Application No. A/YL-KTN/604.

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 the Statutory Publication Period (Appendix V)

The application was published for public inspection. During the statutory publication period, four public comments were received from the Kadoorie farm and Botanic Garden, the Conservancy Association, Designing Hong Kong Limited 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 the “AGR” zone; approval conditions of the previous application have not been complied with; the operation of the development is different from the previously approved application; the development would induce adverse traffic, environmental and sewage impacts, and cause light pollution and noise nuisance to the surrounding area; and the setting of an undesirable precedent as the Site is subject to previous enforcement actions.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary holiday camp, place of recreation, sports or culture (hobby farm, and prawning ground) and barbecue site with ancillary facilities for a period of 3 years in the “AGR” zone and land filling by not more than 0.2m in depth at part of the Site (about 4,122m² or 44% of the Site). 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. According to the applicant, about 10% of the Site will be used for farming area. Whilst the other parts of the applied use (i.e. holiday ground, prawning ground and barbecue sites) are not entirely in line with the planning intention of the “AGR” zone, DAFC has no strong view against the application from agricultural point of view. Besides, the holiday camp, barbecue site and prawning ground uses under application are mainly passive leisure and recreational

uses which can meet the recreational needs of people in Hong Kong subject to proper regulation and site management. It is considered that approval of the application on a temporary basis for a period of 3 years would not jeopardize 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 Site is located in a rural landscape character comprising farmland, grass land, vacant land, ponds, hobby farm, open storage/ storage yards. The CTP/UD&L of PlanD has no objection to the application from the landscape planning perspective and considers that the proposed development is not incompatible with the surrounding landscape character of the area. Significant adverse landscape impact within the Site arising from the applied use is not anticipated.
- 11.3 In view of the nature of the applied use, it is anticipated that the development would not cause significant adverse traffic, environmental, landscape and drainage impacts on the surrounding areas. Relevant government departments consulted, including C for T, DEP, CE/MN of DSD and D of FS, have no objection to or no adverse comment on the application. 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 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 a previous application (No. A/YL-KTN/649) approved by the Committee for hobby farm use in 2019 as detailed in paragraph 5.1 above. When compared with the last approved application, the current application is subject to a slightly smaller site area, addition of ‘barbecue site’, ‘prawning ground’ ‘holiday ground’ and ‘land filling’ to the applied use with a different site layout and development parameters as detailed in paragraph 1.3 above. Besides, there are 24 similar applications for temporary hobby farm (four of which involve caravan holiday camp use as well) within the same “AGR” zone in the vicinity of the Site, all of which were approved by the Committee. Approval of this application is in line with the Committee’s previous decisions on the previous and similar applications.
- 11.5 Four public comments were received during the statutory publication period objecting to the application as stated in paragraph 10 above. In this regard, the departmental comments and planning considerations and assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments in paragraph 10, the Planning Department considers that the applied 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 12.8.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no public announcement system, portable loudspeaker or any form of audio amplification system, as proposed by the applicant, is allowed to be used on the Site at any time during the planning approval period;
- (b) 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 12.2.2023;
- (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 12.2.2023;
- (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 12.5.2023;
- (f) if the any of the above planning condition (a) or (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 (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 agricultural land/farm/fish ponds for agricultural purposes. The zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. 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 reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form with supplementary information received on 23.6.2022
Appendix Ia	FI received on 5.8.2022
Appendix Ib	FI received on 9.8.2022
Appendix II	Previous and similar applications
Appendix III	Government department's general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout plan
Drawing A-2	Paved ratio plan
Plan A-1	Location plan with previous applications
Plan A-2	Site plan

Plan A-3 Aerial photo

Plans A-4a & A-4b Site photos

**PLANNING DEPARTMENT
AUGUST 2022**