

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/850

<u>Applicant</u>	: Mr. LAM Tung Man represented by R-riches Property Consultants Limited
<u>Site</u>	: Lots 913 RP (Part) and 958 (Part) in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long
<u>Site Area</u>	: About 286m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Holiday Camp with Ancillary Facilities for a Period of 3 Years

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. The Site falls within an area zoned “AGR” on the Kam Tin North OZP (**Plan A-1a**) 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 or development 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. The Site is fenced, mostly vacant and part of which is occupied by a temporary structure (**Plans A-2 to A-4b**).
- 1.2 Part of the Site is the subject of a previous application (No. A/YL-KTN/690) approved by the Rural and New Town Planning Committee (the Committee) in January 2020 for proposed temporary hobby farm which was not related to the current application as detailed in paragraph 5 below.
- 1.3 According to the applicant, the proposed temporary holiday camp can accommodate not more than 5 tents for a maximum of 10 visitors. The proposed development also involves four single-storey structures (about 3m high) with a total floor area of about 33m² for washroom and changing room, site office, reception and storage of tools. Barbecue facilities, with no fixed location, will be carried out by the visitors at the Site. The operation hours will be 24 hours daily, including

Sundays and public holidays. Four staff members will be stationed at the Site between 9:00 a.m. to 6:00 p.m., and one staff member will stay overnight to support its operation. No car parking space will be provided within the Site. The Site is accessible via a local track branching off from Mei Fung Road (**Plan 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 19.7.2022, 21.7.2022 and 25.7.2022 **(Appendix I)**
- (b) Further Information (FI) received on 6.9.2022 **(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) Due to the travel restriction affected by the outbreak of COVID-19, the demand for local tent camping activities has increased. The applicant would like to operate a tent camping ground at the Site to meet the pressing demand for such activities in Hong Kong.
- (b) The application is on a temporary basis which will not frustrate the long-term planning intention of the “AGR” zone. Similar application No. A/YL-KTN/817 was approved by the Committee in March 2022. Approval of the application will not set an undesirable precedent.
- (c) The proposed use would not induce significant adverse traffic, environmental, landscape and drainage impacts on the surrounding area.
- (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. All visitors are required to take away all wastes at the Site and staff will be arranged to collect garbage/ waste to the nearest refuse collection regularly by trolley.

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 currently not the subject of any planning enforcement action.

5. Previous Application

- 5.1 Part of the Site is involved in an application (No. A/YL-KTN/690) approved by the Committee in January 2020 for proposed temporary hobby farm submitted by a different applicant as the current application which is not relevant to the current application. Nevertheless, the planning permission was revoked in July 2021 due to non-compliance with approval conditions related to the submission and implementation of drainage / fire services installations proposals.
- 5.2 Details of the previous application are summarized at **Appendix II** and the location is shown on **Plan A-1b**.

6. Similar Applications

- 6.1 There are 6 similar applications (No. A/YL-KTN/665, 693, 772, 817, 833, 844), involving 4 sites, for similar temporary holiday camp use in the vicinity of the Site within the same “AGR” zone in the past 5 years (three of which involving caravan holiday camp use). All 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; concerned departments generally had no objection to the applications and/or their technical concerns could be addressed by relevant approval conditions. Nevertheless, the planning permissions of Applications No. A/YL-KTN/665, 693 and 772 were revoked owing to non-compliance with approval conditions.
- 6.2 Apart from the above similar applications, Application No. A/YL-KTN/ 829 for temporary holiday camp with ancillary facilities for a period of 3 years and filling of land within the same “AGR” zone will be considered at the same meeting.
- 6.3 Details of the applications are summarized in **Appendix II** and the locations are shown on **Plan A-1a**.

7. The Site and Its Surrounding Areas (Plans A-2 to A-4b)

- 7.1 The Site is:
 - (a) fenced, mostly vacant and part of which is occupied by a temporary structure; and
 - (b) accessible via a local track branching off from Mei Fung Road.
- 7.2 The surrounding areas have the following characteristics:

- (a) to its north and northeast are a caravan holiday camp (with planning permission), a vacant site approved for temporary animal boarding establishment use, parking of vehicles, residential structures/ dwellings, storage yards and cultivated agricultural land;
- (b) to its east, southeast and south are an animal boarding establishment (with planning permission), open storage/ storage yards (one of which is the site approved for temporary warehouse under application No. A/YL-KTN/824), a plant nursery, residential structures/ dwellings, cultivated and fallow agricultural land and vacant land; and
- (c) to its west across Mei Fung Road are hobby farms, residential structures/ dwellings and vacant land (one of which approved for temporary animal boarding establishment use) and cultivated agricultural land.

8. Planning Intention

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.

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) 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 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; and
- (b) he has no adverse comment on the application from nature conservation perspective.

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

The application was published for public inspection. During the statutory publication period, a public comment from an individual was received objecting to the application mainly on the grounds that the Site should be used for crop cultivation; and it would be uneconomical to use the Site for tent camping facilities given the small size of it.

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. 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.
- 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 hobby farms, residential structures/dwellings, animal boarding establishment, cultivated/ fallow agricultural land, parking of vehicles and vacant land. The CTP/UD&L of PlanD considers that significant adverse landscape impact 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 proposed development, the application is not expected to cause significant adverse traffic, environmental and drainage impacts on the surrounding areas. 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 minimize 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 completion of percolation test and certification by Authorized Person if septic tank and soakaway system will be used.
- 11.4 The Site is the subject of a previous application (No. A/YL-KTN/690) approved by the Committee in January 2020 for proposed temporary hobby farm which is not relevant to the current application. There are 6 similar applications involving similar temporary holiday camp (5 of which involving filling of land) in the vicinity of the Site within the same “AGR” zone approved by the Committee between 2019 and 2022 for reasons as stated in paragraph 6 above (**Plan A-2**). Approval of the current application is in line with the Committee’s previous decisions on similar applications.

- 11.5 A public comment was received from an individual objecting to the application. 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 comment 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 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; 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 19.7.2022, 21.7.2022 and 25.7.2022
Appendix Ia	FI received on 6.9.2022
Appendix II	Previous and 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 comment
Drawing A-1	Site layout plan
Plan A-1a	Location plan with similar applications
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and A-4b	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2022**