

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/859

<u>Applicant</u>	:	Income Mall Limited represented by R-riches Property Consultants Limited
<u>Site</u>	:	Various Lots in D.D. 107, Kam Tin, Yuen Long
<u>Site Area</u>	:	About 7,056 m 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>	:	Temporary Holiday Camp and Barbecue Site with Ancillary Eating Place and 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 holiday camp and barbecue site with ancillary eating place and facilities for a period of 3 years and filling of land. The Site falls within an area zoned “AGR” on the approved Kam Tin North OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is currently mainly used for caravan holiday camp with a restaurant and parking of vehicles (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, apart from 17 caravan camp sites provided within the Site, the development also involves 23 one-storey structures (with building height ranging from 2.8m to 4m) and a total floor area of about 1,301.2m² for activities rooms, site offices, ancillary eating places (one of which is a pet friendly one), storeroom, outside seating shelters, rain shelters, washroom, refreshment kiosk, meter room and guardroom. Part of the Site (about 1,273m² or about 18%) has been filled with concrete by not more than 0.2m and the other part of the Site (about 1,706m² or about 24%) will be filled with concrete by not more than 0.2m in depth, all of which for site formation of structures, circulation space and parking of vehicles. 19 private car parking spaces and one loading/unloading (L/UL) space for light goods vehicle are provided at the Site. The applicant states that barbecue activities (with portable barbecue pits) will be carried out at the designated barbecue area by visitors. 10 staff members will be stationed at the Site from 9:00 a.m. to 10:00 p.m. daily including public holidays. The applicant

estimates that the Site can accommodate about 68 visitors per day. The Site is accessible from San Tam Road via Fung Kat Heung Road and Mei Fung Road (**Plans A-1 and A-2**). The site layout and land filling plans submitted by the applicant are at **Drawings A-1 and A-2**.

- 1.3 The Site is involved in seven previous applications (No. A/YL-KTN/474, 520, 562, 665, 670, 772 and 817) (details at paragraph 6 below). The last application No. A/YL-KTN/817 was submitted by the same applicant as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) in March 2022. A comparison of the major development parameters submitted under the two applications is summarised below:

Major Development Parameters	Last Approved Planning Application (No. A/YL-KTN/817) (a)	Current Application (b)	Difference (b)-(a)
Applied use	Temporary Caravan Holiday Camp and Barbecue Site with Ancillary Canteen for 3 Years and Filling of Land	Temporary Holiday Camp and Barbecue Site with Ancillary Eating Place and Facilities for a Period of 3 Years and Filling of Land	Some minor changes to the applied use made
Site area (m ²) (about)	6,002	7,056	+1,054 (+18%)
Total floor area (m ²) (about)	904	1,301.2	+397.2 (+44%)
No. of structures	17	23	+6 (+35%)
No. of caravans	15	17	+2 (+13%)
Caravan camping area (m ²) (about)	279	316.2	+37.2 (13%)
No. of barbecue pits	8	8	--
Area covered by structures (m ²) (about)	625	985	+360 (+58%)
Hard-paved area (m ²) (about)	1,307	2,979	+1,672 (+128%)
No. of parking spaces			
- Private car	19	19	--
- L/UL	1	1	--

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

- (a) Application form with supplementary information (**Appendix I**) received on 1.9.2022 and 14.9.2022
- (b) Further Information (FI) received on 20.10.2022 (**Appendices Ia and 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 FI at **Appendices I to Ib** respectively as summarized below:

- (a) The applicant intends to continue its caravan camp business with barbecue site at the Site to meet the pressing demand for local holiday camping in view of the COVID-19 pandemic. In particular, the addition of activities rooms, a pet-friendly eating place and some ancillary facilities are provided at the Site to provide the visitors a better camping experience.
- (b) The development is not incompatible with the surrounding area. As similar approved applications could be found in the same “AGR” zone, approval of the current application will not set an undesirable precedent.
- (c) The filled area / area proposed to be filled has been kept to its minimal for the operation of the caravan holiday camp.
- (d) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ and ‘Professional Persons Environmental Consultative Committee Practice Notes’ by the EPD to minimize environmental impacts on the nearby sensitive receivers, i.e. septic tank for sewage treatment will be implemented at the Site. Licensed collectors will be employed to collect and dispose of sewage regularly.
- (e) The applied use would not generate adverse traffic, environmental, landscape and drainage impacts on the surrounding areas.

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 notices and sending notices 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 seven previous applications (No. A/YL-KTN/474, 520, 562, 665, 670, 772 and 817). While three of these applications (No. A/YL-KTN/474, 562, and 670) for animal boarding establishment and hobby farm uses are unrelated to the current application, the other four applications (No. A/YL-KTN/520, 665, 772 and 817) involve caravan camp / barbecue site use (No. A/YL-KTN/817 also involves filling of land) which were submitted by the

same applicant as the current application. All of these four applications were approved with conditions by the Committee between May 2016 and March 2022 mainly for the reasons that temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the developments were not incompatible with the surrounding land uses; concerned departments in general had no objection to the applications; and/or departments’ technical concerns could be addressed by relevant approval conditions. Nevertheless, the planning permissions for Application No. A/YL-KTN/772 was revoked due to non-compliance with approval conditions. For the latest application No. A/YL-KTN/817 approved on 4.3.2022, the planning permission is valid until 4.3.2025. As there are changes to the applied use, site area / boundary, layout and major development parameters of the development, a fresh application is submitted.

- 5.2 Details of the previous applications are summarized at **Appendix II** and the locations are shown on **Plan A-1b**.

6. Similar Applications

- 6.1 There are six similar applications (No. A/YL-KTN/536, 693, 829, 833, 844 and 850), involving five sites, with the applied uses include holiday camp / caravan holiday camp uses (and filling of land for No. A/YL-KTN/693, 833, 844 and 829) within the same “AGR” zone in the vicinity of the Site in the past 5 years (**Plan A-1**). All applications were approved with conditions by the Committee between January 2017 and September 2022 on similar considerations as stated in paragraph 5.1 above. However, the planning permission of Application No. A/YL-KTN/693 was revoked in June 2022 due to non-compliance with an approval condition.

- 6.2 Details of the similar applications are summarized at **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) partly paved and mainly used for caravan holiday camp, restaurant and parking of vehicles; and
- (b) accessible from San Tam Road via Fung Kat Heung Road and Mei Fung Road.

- 7.2 The surrounding areas have the following characteristics:

- (a) to its north, east and south are residential structures/dwellings (the closest is about 10m to its north), storage yards, a warehouse (with valid planning permission under application No. A/YL-KTN/824), active farmland and vacant land (some of which are the sites approved for temporary holiday camp (under application No. A/YL-KTN/850) and temporary warehouse (under application No. A/YL-KTN/852)); and

- (b) to its immediate west is a residential structures/dwellings. To its further west and northwest across Mei Fung Road are hobby farms, residential structures/dwellings, parking of vehicles and a residential cum storage yard (which is the site approved recently for temporary animal boarding establishment under application No. A/YL-KTN/845).

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, planning permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

- 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 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 and plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the development falling within the “AGR” zone is not supported from agricultural perspective; and
- (b) from nature conservation point of view, DAFC has no adverse comment on the application.

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

The application was published for public inspection. During the statutory public inspection period, three public comments were received from the Conservancy Association and individuals. The commenters object to the application mainly on the grounds that the development is not in line with the planning intention of “AGR” zone; the Site should be used for farming instead of recreation; the development would result in

adverse environmental impact and set an undesirable precedent for similar applications; there are concerns on the fire safety risk to the surroundings thus affecting the living quality and safety of the residents nearby; approval conditions of the last application for similar use have yet to be complied with.

11. Planning Considerations and Assessments

- 11.1 The application is for holiday camp, providing 17 caravans, and barbecue site with ancillary eating place and facilities for a period of 3 years and filling of land (by not more than 0.2m in depth) at part of the Site (about 42%) in the “AGR” zone (**Plan A-1**). 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. The applied use, which is mainly for leisure and recreational use, is not in line with the planning intention and DAFC does not support the application as the Site 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 in the “AGR” zone requires planning permission from the Board. In this regard, CE/MN of DSD and DEP have no adverse comment from the drainage and environmental perspectives.
- 11.2 The development is considered not incompatible with the surrounding land uses which are rural in character comprising residential structures/dwellings, farmland, vacant land, hobby farm, warehouse, parking of vehicles, animal boarding establishment and vacant land (**Plan A-2**). The CTP/UD&L of PlanD considers that significant adverse landscape impact arising from the applied use is not anticipated and has no objection to the application from the landscape planning perspective. Besides, similar application for temporary holiday camp use (No. A/YL-KTN/850) was approved by the Committee to the immediate southwest of the Site (**Plan A-2**).
- 11.3 Taking into account the nature of the development, significant adverse traffic, environmental and drainage impacts arising from the development to the surrounding areas is not anticipated. 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 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 percolation test as septic tank and soakaway system will be used at the Site.
- 11.4 The Site is the subject of four previous applications (No. A/YL-KTN/520, 665, 772 and 817) involving temporary caravan holiday camp with/without filling of land, submitted by the same applicant as the current application. All four applications of similar nature were approved by the Committee between 2016 and 2022 for reasons as stated in paragraph 5 above. Besides, there are six similar

applications for similar temporary caravan holiday camp / holiday camp use (some of which involve filling of land) within the same “AGR” zone in the vicinity of the Site approved by the Committee between 2017 and 2022. Approval of the current application is in line with the Committee’s previous decisions.

- 11.5 Regarding the public comments on the application as detailed in paragraph 10 above, government departments’ comments and planning considerations and assessments 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, 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 three years until 28.10.2025. 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 28.4.2023;
- (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 28.7.2023;
- (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 and water supplies for firefighting 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 28.4.2023;
- (e) in relation to (d) above, the implementation of the fire service installations and water supplies for firefighting 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 28.7.2023;
- (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 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 quality agricultural land/farm/fish pond for agricultural purposes. The zone is also intended to retain fallow arable land with good potential for rehabilitation. 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 reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form with supplementary information received on 1.9.2022 and 14.9.2022
Appendices Ia and Ib	FIs received on 20.10.2022
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout plan
Drawing A-2	Land filling 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
OCTOBER 2022**