

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/868

- Applicant** : Fun Park Limited represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 1234 (Part), 1235 (Part), 1236 (Part), 1237 (Part) and 1240 (Part) in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long, New Territories
- Site Area** : About 2,658m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9 at the time of submission
- Draft Kam Tin North OZP No. S/YL-KTN/10 currently in force
[The zoning and development restrictions for the Site remain unchanged on the current draft OZP No. S/YL-KTN/10]
- Zoning** : “Agriculture” (“AGR”)
- Application** : 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 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 of any land 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 formed and partly deposited with a few converted container structures for recreational use and partly covered by grass (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the proposed temporary holiday camp can accommodate not more than 20 tents for a maximum of 20 visitors. The proposed development also involves seven single-storey structures (not more than 3m high) with a total floor area of about 148m² for washrooms, storage, rain shelter, reception and staff office uses. The operation hours will be 24 hours daily,

including Sundays and public holidays. The applicant states that three staff members will be working at the Site between 9:00 a.m. and 6:00 p.m. daily. No car parking space will be provided within the Site. The Site is accessible via a local track branching off from Shui Mei Road (**Plan A-1**). The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application form received on 16.11.2022 (Appendix I)
- (b) Further Information (FI) received on 21.12.2022 (Appendix Ia)
- (c) FI received on 9.1.2023 (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 and FI in **Appendices I to Ib**. 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 for meeting passive recreational need of people in Hong Kong.
- (c) 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 sewerage 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 currently not subject to any active planning enforcement action.

5. Previous Application

The Site is not involved in any previous application.

6. Similar Applications

- 6.1 There are eleven similar applications (No. A/YL-KTN/665, 693, 772, 817, 823, 829, 833, 838, 844, 850 and 859), involving ten sites, for the applied uses involving temporary holiday camp / caravan holiday camp 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 Rural and New Town Planning Committee (the Committee) between July 2019 and November 2022 mainly on the grounds that temporary approval would not frustrate the long-term planning intention; the developments were not incompatible with the surrounding land uses; concerned departments consulted generally had no objection to the applications and/or their technical concerns could be addressed by relevant approval conditions. However, the planning permission of three of them (No. A/YL-KTN/665, 693 and 772) were revoked due to non-compliance with approval conditions.
- 6.2 Details of the similar applications are summarized at **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) formed and partly deposited with a few converted container structures for recreational use and partly covered by grass; and
 - (b) accessible via a local track branching off from Shui Mei Road.
- 7.2 The surrounding areas have the following characteristics:
- (a) to its north and west are a plant nursery, an animal boarding establishment, residential structures/dwellings (the nearest one at about 20m to the west), grassland, open storage yards (the sites of which are approved for animal boarding establishments under Applications No. A/YL-KTN/771, 814 and 815), vacant land (with valid planning permissions under Applications No. A/YL-KTN/752 and 775 for animal boarding establishments) and a site with works in progress (with valid planning permission under Application No. A/YL-KTN/769 for animal boarding establishment);
 - (b) to its east and northeast are a ruin, residential structures/ dwellings, an open storage yard (the site of which is approved for temporary hobby farm under Application No. A/YL-KTN/802), parking of vehicles and vacant land (the site of which is approved for temporary holiday camp under Application No. A/YL-KTN/833); and
 - (c) to its south are residential structures/dwellings, active farmland and grassland.

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) the Site falls within the “AGR” zone and is generally vacant. Agricultural activities are found in the vicinity (**Plan A-2**), and agricultural infrastructures such as road access and water source are available. The Site is suitable for agricultural rehabilitation 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, ten public comments from the Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden Corporation, the Conservancy Association, World Wide Fund for Nature (Hong Kong) and individuals were received. The commenters 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 environmental and sewerage impacts and noise nuisance to the nearby residents; the Site has been used for camping ground without planning permission; and approval of the application would set an undesirable precedent for similar applications in the area.

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 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 residential structures/dwellings, animal boarding establishment, open storage yards, active farmland, 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 as septic tank and soakaway system will be used.
- 11.4 There are 11 similar applications involving ten sites for similar temporary holiday camp use 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 6.1 above. Approval of this application is in line with the Committee’s previous decisions on similar applications.
- 11.5 Ten 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 13.1.2026. 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 13.7.2023;
- (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 13.10.2023;
- (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 13.7.2023;
- (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 13.10.2023;
- (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 received on 16.11.2022
Appendix Ia	FI received on 21.12.2022
Appendix Ib	FI received on 9.1.2023
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
Plans A-4a and A-4b	Site photos

**PLANNING DEPARTMENT
JANUARY 2023**