

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/895

<u>Applicant</u>	:	Mr. TANG Kam Shing
<u>Site</u>	:	Lot 1456 in D.D. 107, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	:	About 1,677.6 m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Draft Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/10
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Temporary Place of Recreation, Sports or Culture (Outdoor Fitness Centre / Sports Training Ground) 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 (outdoor fitness centre / sports training ground) 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 covering Notes of the OZP, temporary use or development of any land not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board). The Site is formed and partly paved and partly covered by grasses, and used for the applied use without planning permission (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the application intends to provide outdoor fitness and sports training facilities at the Site, in particular for obstacle course racing which is a new sports in Hong Kong. The development involves 7 single-storey structures with total floor area of about 128.1m² and building heights of not more than 3.5m for reception and learning centre, storage, lounge, electric meter room and canopy uses. The open area of the Site will be used for outdoor fitness and sports training, car parking and circulation purposes.
- 1.3 The applicant states that part of the Site (about 492.6m²/ 29.4%) has been filled with concrete for not more than 0.3m in depth (from +6.8 mPD to +7.1

mPD) for site formation of structures and laying of drainage facilities. The operation hours are from 9:00 a.m. to 6:00 p.m. daily, including Sunday and public holidays. 3 private car parking spaces are provided within the Site. The Site is accessible from Shui Mei Road via a local access (**Plan A-2**). The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2**.

- 1.4 The Site is involved in two previous applications (No. A/YL-KTN/630 and 782) (details at paragraph 5 below)
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application form and supplementary information (**Appendix I**) received on 21.2.2023 and 24.2.2023
 - (b) Further information (FI) received on 4.4.2023 (**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) The applied use is temporary in nature and will not jeopardise the long-term planning intention of the “AGR” zone. The development is not incompatible with the surrounding environment.
- (b) Apart from the outdoor fitness / training facilities, the Site can also provide a training ground for obstacle course racing which is an emerging sports in the world.
- (c) The extent of land filling land has been kept to the minimum which is for meeting the operational need of the development. The Site will be reinstated to an amenity area upon expiry of the planning approval.
- (d) The development would not induce adverse traffic, environmental and drainage impacts to 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 section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice 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 Applications

5.1 The Site is the subject of two previous applications (No. A/YL-KTN/630 and 782) submitted by the same applicant for temporary hobby farm use (application No. A/YL-KTN/782 is with filling of land), which were approved with conditions by the Rural and New Town Planning Committee (the Committee) in January 2019 and September 2021 mainly for the reasons that temporary approval would not frustrate the long-term planning intention of “AGR” zone; the developments were not incompatible with the surrounding land uses; and relevant departments consulted in general had no objection to or no adverse comment on the application or their technical concerns could be addressed by relevant approval conditions. However, the planning permission for Application No. A/YL-KTN/630 was revoked in June 2021 owing to non-compliance with approval conditions. For Application No. A/YL-KTN/782, the planning permission is valid until 10.9.2024 with compliance of approval conditions on relevant submissions.

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

6. Similar Application

There is no similar application for temporary outdoor fitness centre / sports training ground use within the same “AGR” zone in the vicinity of the Site in the past five years.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

7.1 The Site is:

- (a) formed and partly paved and partly covered by grasses, and used for the applied use without planning permission; and
- (b) accessible from Shui Mei Road via a local access.

7.2 The surrounding areas have the following characteristics:

- (a) to its north and northeast are active and fallow farmland, residential structures/ dwellings, ruin and ponds;
- (b) to its east and southeast are ruins and vacant land;
- (c) to its west and northwest are storage yards, vacant land and a hobby

farm; and

- (d) to its south are grassland, a privately operated recreation centre (with valid planning permission under Application No. A/YL-KTN/894), an animal boarding establishment (with valid planning permission under Application No. A/YL-KTN/ 743) and parking of vehicles.

8. Planning Intention

- 8.1 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.
- 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

- 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. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are 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 is not supported from agricultural perspective; and
- (b) from nature conservation point of view, DAFC has no adverse comment on the application.

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

The application was published for public inspection. During the statutory publication period, one public comment from an individual was received objecting to the application mainly on the grounds that no details of the development proposal at the Site are provided; and the approval conditions under the last planning permission have not been fully complied with.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary place of recreation, sports or culture (outdoor fitness centre / sports training ground) for a period of 3 years at the Site zoned “AGR” (**Plan A-1**) and filling of land at part of the Site (about 492.6m²/ 29.4%) by not more than 0.3m in depth for site formation of structures and laying of drainage facilities. The planning intention of the “AGR” zone 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. The applied use is not in line with the planning intention of the “AGR” zone, and DAFC does not support the application from agricultural point of view as the Site possesses potential for agricultural rehabilitation. Nevertheless, the proposal is intended to provide a fitness and sports training ground which can help meet the sports and recreational needs of the neighbourhood. 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, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and the Director of Environmental Protection (DEP) have no adverse comment from the drainage and environmental perspectives.
- 11.2 The applied use is considered not incompatible with the surrounding land uses which are rural in character predominated by farmland, ponds, grassland, hobby farm, storage yards, animal boarding establishment and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department considers that significant adverse landscape impact within the Site arising from the applied use is not anticipated and has no objection to the application from the landscape planning perspective.
- 11.3 In view of the nature and scale of the applied use, it is anticipated that the development would not cause significant adverse traffic, environmental and drainage impacts on the surrounding areas. Relevant departments consulted including the Commissioner for Transport, CE/MN of DSD and Director of Fire Services have no adverse comment on the application. To 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 EPD, 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 two previous applications (No. A/YL-KTN/630 and 782) submitted by the same applicant of the current application for hobby farm use (application No. A/YL-KTN/782 is with filling of land), which were approved with conditions by the Committee in January 2019 and September 2023 for the reasons as stated in paragraph 5.1 above. Approval of this application is in line with the Committee’s previous decisions.
- 11.5 One public comment objecting to the application was 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 comment mentioned in paragraph 10 above, the Planning Department considers that 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 21.4.2026. The following approval conditions 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 21.10.2023;
- (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 21.1.2024;
- (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 21.10.2023;
- (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 21.1.2024;

- (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 in **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 ponds for agricultural purposes. This 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 and supplementary information received on 21.2.2023 and 24.2.2023
Appendix Ia	FI received on 4.4.2023
Appendix II	Previous applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comment
Drawing A-1	Site layout plan
Drawing A-2	Land filling plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
APRIL 2023**