

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTN/911**

<b><u>Applicant</u></b>	: Mr. TANG Tsz Ki
<b><u>Site</u></b>	: Lots 1505 RP (Part), 1506 RP and 1510 (Part) in D.D. 107, Kam Tin North, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 6,900m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Draft Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/10
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Proposed Temporary Holiday Camp 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 proposed temporary 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 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). Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is vacant and covered with vegetation (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the proposed development involves four single-storey structures (not more than 3.5m high) with a total floor area of about 72m<sup>2</sup> for reception, storage and toilet uses and will accommodate not more than 30 tents for a maximum of 60 visitors. Major part of the Site (about 6,564m<sup>2</sup>/ 95%) will be filled with soil suitable for cultivation at a depth not exceeding 0.6m (from about +3.2mPD to about +3.8mPD), and the remaining part of the Site (about 336m<sup>2</sup>/ 5%) will be filled with soil and gravel at a depth not exceeding 0.6m (from about +3.2mPD to about +3.8mPD) for site formation of structure and vehicular parking and circulation. The operation hours will be 24 hours daily, including Sundays and public holidays. The applicant states that 3 to 4 staff members will be working at the Site between 10:00 a.m. and 7:00 p.m. daily. Three private car parking spaces will be provided within the Site. The Site is accessible via a local track branching off Shui Mei Road (**Plan A-1**). The site layout plan and land filling plan submitted

by the applicant are at **Drawings A-1 and A-2**.

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

- (a) Application form and supplementary information received on 17.4.2023 and 21.4.2023 **(Appendix I)**
- (b) Further Information (FI) received on 5.7.2023\* **(Appendix Ia)**
- (c) FI received on 12.8.2023\* **(Appendix Ib)**
- (d) FI received on 21.8.2023\* **(Appendix Ic)**

*\*accepted and exempted from publication and recounting requirements*

1.4 On 9.6.2023, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for two months as requested by the applicant.

## **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 Ic**. They can be summarised 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) There has been no active agricultural activities at the Site. The proposed development is compatible with the surrounding environment.
- (c) The proposed development is for meeting the outdoor leisure and recreational needs of the local people and the public. The holiday camp site can provide an opportunity for the public to get in contact with the natural environment and the historic elements in the Kam Tin area.
- (d) The visitors will bring their own food and take away the garbage. Staff will also be arranged to clean the Site daily and deliver the garbage and food waste to the nearest refuse collection station.
- (e) Land filling is for aligning the site level with the surrounding, site formation of structures, and parking and circulation of vehicles to support the operation of the proposed development. The extent of land filling has been kept to a minimum. The applicant will reinstate the Site upon expiry of the planning approval.
- (f) The Site could be accessed via public transport and the proposed development will not induce significant adverse traffic impacts.
- (g) Mitigation measures, such as erection of fencing to prevent soil erosion, are proposed to void pollution to the nearby watercourse and drains.

### 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 Applications**

The Site is involved in two previous applications (No. A/YL-KTN/609 and 666) for proposed temporary place of recreation, sports or culture (hobby farm) which are not relevant to the current application. Details of the previous applications are summarized at **Appendix II** and the locations are shown on **Plan A-1**.

### 6. **Similar Applications**

- 6.1 There are ten similar applications (No. A/YL-KTN/665, 693, 772, 817, 826, 829, 838, 844, 850 and 859) for temporary holiday camp / caravan holiday camp (seven of which with filling of land) within the same “AGR” zone in the vicinity of the Site in the past 5 years (**Plan A-1**). All the applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) between July 2019 and October 2022 mainly on the considerations that temporary approval would not frustrate the long-term planning intention; the development was not incompatible with the surrounding land uses; concerned departments consulted in general had no adverse comment on the application or their technical concerns could be addressed by approval conditions. However, the planning permissions 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) is vacant and covered with vegetation; and
  - (b) accessible via a local track branching off Shui Mei Road.
- 7.2 The surrounding areas have the following characteristics:

- (a) to its east are dog training centres (one of which is covered with valid planning permission under application No. A/YL-KTN/822) and parking of vehicles;
- (b) to its south across Shui Mei Road are a nullah and ponds;
- (c) to its northeast and north are a plant nursery and residential dwellings/structures; and
- (d) to its west are grasslands (with valid planning permissions for proposed animal boarding establishment under applications No. A/YL-KTN/869, 870 and 871).

## **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**

- 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 does not support 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 abandoned. The agricultural activities are found in the vicinity (**Plan A-2**), 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 proposed development proposal 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 noting that mitigation measures have been proposed to avoid polluting the watercourse;

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

The application was published for public inspection. During the statutory publication period, three public comments from the Hong Kong Bird Watching Society, the Conservancy Association and an individual 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 development would impede the agricultural potential; there is no sufficient details reinstating the Site; the proposed development would induce adverse environmental, drainage and sewage impacts; and the Site involves “destroy first, build later” practice 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 and filling of land at the Site zoned “AGR”. The proposed use is not in line with the planning intention of the “AGR” zone which is primarily 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. Taking into account the planning assessments below, the proposed development on a temporary basis of 3 years could be tolerated. Filling of land within the “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 objection to the proposed filling of land from drainage and environmental perspectives. An approval condition requiring the reinstatement of the Site to an amenity area is recommended should the Committee decide to approve the application.
- 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, dog training centers and grasslands. The Chief Town Planner/Urban Design and Landscape, Planning Department considers that significant adverse impact on the landscape resources and character arising from the proposed use is not anticipated and has no objection to the application from landscape planning perspective.
- 11.3 Relevant departments consulted, including the Commissioner for Transport, CE/MN of DSD, DEP and the Director of Fire Services have no objection to or 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 revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department (EPD) to minimise any possible environmental nuisance; and the relevant Practice Note for Professional Person PN 5/93 on “Drainage Plans subject

to Comment by EPD” including completion of percolation test and certification by Authorized Person if septic tank and soakaway system will be used.

- 11.4 There are ten approved similar applications in the vicinity of the Site as stated in paragraph 6.1 above. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 Three public comments objecting to the application were received during the statutory publication period. In this regard, the departmental comments and planning 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 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 25.8.2026. 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 25.2.2024;
- (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 25.5.2024;
- (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 25.2.2024;
- (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 25.5.2024;
- (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 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. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification 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**

<b>Appendix I</b>	Application form and supplementary information received on 17.4.2023 and 21.4.2023
<b>Appendix Ia</b>	FI received on 5.7.2023
<b>Appendix Ib</b>	FI received on 14.8.2023
<b>Appendix Ic</b>	FI received on 21.8.2023
<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	General departmental comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comments

<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<b>Plan A-1</b>	Location plan with similar applications
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4a and A-4b</b>	Site photos

**PLANNING DEPARTMENT  
AUGUST 2023**