

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTN/933**

<b><u>Applicant</u></b>	:	Ms. CHAN Yu Sim, Jane and Mr. FONG Hin Ming
<b><u>Site</u></b>	:	Lots 3 S.D and 8 S.K in D.D. 110, Tai Kong Po, Pat Heung, Kam Tin, Yuen Long
<b><u>Site Area</u></b>	:	About 76.08m <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>	:	Renewal of Planning Approval for Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary place of recreation, sports or culture (hobby farm) for a period of 3 years. The Site falls within an area zoned “AGR” on the Kam Tin North OZP (**Plan A-1**). According to the Notes of the OZP, ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’ is a Column 2 use under “AGR” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission under Application No. A/YL-KTN/720 until 8.9.2023 (**Plans A-2 to A-4**).
- 1.2 The Site is involved in three previous applications (details in paragraph 6 below). The current application is the same as the last approved application No. A/YL-KTN/720 submitted by the same applicant in terms of the applied use, site area / boundary, layout and major development parameters. All the approval conditions are complied with.
- 1.3 According to the applicant, the Site is occupied by one 2-storey structure with total floor area of about 30m<sup>2</sup> and building height not exceeding 5.5m for reception, toilet, farm accessories storage, office and restroom uses. Not more than 51m<sup>2</sup> (67%) is used for farming. No loud speaker is used at the Site and no parking space nor loading/unloading space is provided. The operation hours are from 7:00 a.m. to

10:00 p.m. daily including Sundays and public holidays. The Site is accessible from Kam Tai Road via a local access. 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 received on 16.6.2023 **(Appendix I)**
- (b) Further Information (FI) received on 4.8.2023\* **(Appendix Ia)**

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

## **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** and **Ia**. They can be summarised as follows:

- (a) Due to insufficient places for people to relax during their holidays, more recreation activities and hobby farm are needed. The applied use can provide organic farming opportunities to the public.
- (b) There is no change to the renewal application as compared with the development proposal under the last application No. A/YL-KTN/720.
- (c) Visitors will be advised to use public transport to the Site. No bulky and heavy items will be loaded on-site. It will not cause any traffic congestion.

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole “current land owner” of the private land within the Site. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to this application. Relevant extract of the Guidelines is attached at **Appendix II**.

## **5. Background**

The Site is currently not subject to any active planning enforcement action.

## **6. Previous Applications**

- 6.1 The Site is the subject of three previous applications (No. A/YL-KTN/331, 571 and 720). Applications No. A/YL-KTN/571 and 720 submitted by the same applicant

for the same use as the current application (including renewal of the planning approval granted by the Board) were approved by the Rural and New Town Planning Committee (the Committee) in September 2017 and August 2020 respectively, mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the development was not incompatible with the surrounding land uses; and there was no adverse departmental comments or their technical concerns could be addressed by approval conditions. Application No. A/YL-KTN/331 for filling of pond is not relevant to the current application which is for place of recreation, sports or culture (hobby farm).

- 6.2 Compared with the last approved Application No. A/YL-KTN/720, the current application is the same in terms of the applied use, site area / boundary, layout and major development parameters. All the approval conditions are complied with and the application is valid until 8.9.2023.
- 6.3 Details of the applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.

## **7. Similar Applications**

- 7.1 There are four similar applications (No. A/YL-PH/876, A/YL-KTN/746, 812 and A/YL-PH/913), involving three sites, within or straddling the same “AGR” zone in the vicinity of the Site in the past five years for temporary place of recreation, sports or culture (hobby farm) or temporary transitional housing development and place of recreation, sports or culture (hobby farm). All of the applications were approved with conditions by the Committee between March 2021 and April 2022 on similar considerations as stated in paragraph 6.1 above. However, the planning permission of Application No. A/YL-PH/876 was revoked in June 2022 due to non-compliance with approval conditions.
- 7.2 Details of the similar applications are summarised at **Appendix III** and the locations are shown on **Plan A-1**.

## **8. The Site and Its Surrounding Areas (Plans A-2 to A-4)**

- 8.1 The Site is:
  - (a) currently used for the applied use with valid planning permission; and
  - (b) accessible from Kam Tai Road via a local track.
- 8.2 The surrounding areas have the following characteristics:
  - (a) to the north and east are animal boarding establishments (with valid planning permissions under applications No. A/YL-KTN/739, 828 and 839) and hobby farms; and
  - (b) to the south and west are a hobby farm, residential dwellings/structures, open storage yards and grasslands.

**9. Planning Intention**

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.

**10. Comments from Relevant Government Departments**

All government 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 IV** and **V** respectively.

**11. Public Comment Received During the Statutory Publication Period**

The application was published for public inspection. During the statutory public inspection period, no public comment was received.

**12. Planning Considerations and Assessments**

12.1 The application is for renewal of the planning permission for temporary place of recreation, sports or culture (hobby farm) for a period of 3 years at the Site zoned “AGR”. 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. According to the applicant, not more than 51m<sup>2</sup> (67%) of the Site will be used for farming purpose. The applied use is generally not in conflict with the planning intention of the “AGR” zone. The Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural point of view. Taking into account the planning assessments below, the applied use on a temporary basis for a further period of 3 years could be tolerated.

12.2 The development is not incompatible with the surrounding land uses which are predominated by animal boarding establishments, hobby farms, residential dwellings/structures and grasslands. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) considers that significant adverse landscape impact arising from the continuous use is not anticipated and has no objection to the application from landscape planning perspective.

12.3 The application is generally in line with TPB PG-No. 34D in that the current application is the same as the last approved application No. A/YL-KTN/720 in terms of the applied use, site area/boundary, layout and major development parameters; all the approval conditions have been complied with; the renewal of planning approval period sought is of the same time frame as the previous approval; and there has been no material change in planning circumstances since the granting

of the previous approval. In this regard, sympathetic consideration could be given to the current application.

- 12.4 Other relevant departments consulted, including the Commissioner for Transport (C for T), the Director of Environmental Protection, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and the Director of Fire Services (D of FS), have no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 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 Environmental Protection Department to minimise any potential environmental nuisances.
- 12.5 The Site is the subject of two approved previous applications for place of recreation, sports or culture (hobby farm) and there are four approved similar applications as mentioned in paragraphs 6 and 7 above. Approving the current application is in line with the Committee's previous decisions.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department has no objection to the application.
- 13.2 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, and be renewed from 9.9.2023 until 8.9.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no operation between 10:00p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the site at any time during the planning approval period;
- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a record of the existing drainage facilities on the Site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.12.2023;
- (e) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (f) if any of the above planning condition (a), (b), (c) or (e) 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 the above planning condition (d) 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.

*[The above approval conditions are the same as those under the previous approved application No. A/YL-KTN/720, except deletion of the condition related to traffic aspect based on the latest comments of C for T.]*

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

- 13.3 There is no strong reason to recommend rejection of the renewal application.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning permission.
- 14.2 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.
- 14.3 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.

**15. Attachments**

<b>Appendix I</b>	Application form received on 16.6.2023
<b>Appendix Ia</b>	FI received on 4.8.2023
<b>Appendix II</b>	Relevant extract of TPB PG-No. 34D
<b>Appendix III</b>	Previous and similar applications
<b>Appendix IV</b>	General departmental comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Site layout 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>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
AUGUST 2023**