

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

**APPLICATION NO. A/YL-KTS/930**

<b><u>Applicant</u></b>	: Mark Wealthy Limited represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	: Lot 807 RP (Part) in D.D.103, Sze Pai Shek, Kam Tin, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 670 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<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 falls within an area zoned “AGR” on the Kam Tin South OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development not exceeding a period of 3 years within the “AGR” zone 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. Filling of land within “AGR” zone also requires planning permission from the Board. The Site is vacant, partly paved, and partly overgrown with weeds / used for cultivation (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed temporary holiday camp can accommodate not more than 12 tents for a maximum of 25 visitors. The proposed development also involves a single-storey structure (about 4m high) with floor area of about 72m<sup>2</sup> for reception, site office, storage of tools, toilet and changing room uses. About 72m<sup>2</sup> (or about 11%) of the Site will be filled with concrete by not more than 0.2m in depth (from +7.1 mPD to +7.3 mPD) for site formation of structure. Barbecue activities, without fixed location, will be carried out by the visitors within the Site. The operation hours (with stationed staff) of the proposed development will be between 9:00 a.m. and 10:00 p.m. daily, including public holidays. The applicant states that four staff members will be working at the Site

while one staff will stay overnight to handle complaints. No car parking space is proposed within the Site. Visitors and staff members are required to commute by public transport and walking. The Site is accessible to the MTR Tuen Ma Line Kam Sheung Road Station via a footpath and a pedestrian subway. 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 with supplementary information received on 10.6.2022 **(Appendix I)**
- (b) Further Information (FI) received on 14.7.2022 and 18.7.2022 **(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 applicant intends to provide a tent camping site to meet the increasing demand for local camping activities in Hong Kong, particularly under the COVID-19 pandemic.
- (b) The proposed use is on a temporary basis and will not jeopardize the long-term planning intention of the “AGR” zone.
- (c) About 11% of the Site will be paved with concrete for site formation of structure and provision of stronger ground reinforcement. The extent of land filling has been kept to the minimal for meeting the operational need of the proposed development.
- (d) The proposed development will not induce significant adverse traffic, environmental and drainage impacts on the surrounding areas.
- (e) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ and implement good practices under the ‘Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs) 5/93 when designing on-site drainage system, i.e. the use of septic tank for sewage treatment at the Site. No public announcement system or any form of audio amplification system will be used.

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

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

## **4. Background**

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

**5. Previous Application**

The Site is not involved in any previous application.

**6. Similar Application**

There is no similar application for similar temporary holiday camp use in the vicinity of the Site within the same “AGR” zone in the past 5 years.

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

7.1 The Site is:

- (a) vacant, partly paved and partly overgrown with weeds / used for cultivation; and
- (b) accessible to the MTR Tuen Ma Line Kam Sheung Road Station via a footpath and a pedestrian subway underneath Tsing Long Highway.

7.2 The surrounding areas have the following characteristics:

- (a) to its north, northwest and northeast are hobby farms, graves and cultivated agricultural land. To its further northeast across the nullah is Tsing Long Highway;
- (b) to its east, southeast and south are hobby farms (one of which covered by valid planning permission under Application No. A/YL-KTS/871), fallow / cultivated agricultural land and a plant nursery; and
- (c) to its west and southwest are residential dwellings/structures (the nearest about 40m in the southeast), fallow / cultivated agricultural land and a pond.

**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 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 II and III** 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 partly under active cultivation. The agricultural activities are active in the vicinity (**Plan A-3**), 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 proposed development 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 III**.

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

The application was published for public inspection. During the statutory public inspection period, three public comments from The Conservancy Association, Kadoorie Farm & Botanic Garden Corporation 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 cause adverse environmental and sewage impacts on the surrounding areas; the Site is a suspected “destroy first, build later” case and approval of the application would set as an undesirable precedent; and no sufficient information on the operation details of the proposed tent camping site was given.

**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, with filling of land at part of the Site (about 72m<sup>2</sup> / 11%) by not more than 0.2m in depth for site formation of structure. 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 proposed development is not in line with the planning intention of the “AGR” zone, 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 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, CE/MN of DSD and DEP have no adverse comment from the drainage and environmental perspectives.

- 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 hobby farms, residential structures / dwellings, a plant nursery and active / fallow agricultural land. The CTP/UD&L of PlanD states that the proposed use is not incompatible with the surrounding landscape setting of the area and has no objection to the application from the landscape planning perspective.
- 11.3 Relevant departments consulted, including C for T, DEP, CE/MN of DSD and D of FS, have no adverse comment on the application. It is envisaged that the proposed development would unlikely cause significant adverse traffic, environmental and drainage impacts, and fire safety concerns to the surrounding area. To minimise any potential impacts on the adjacent watercourse (**Plan A-2**) that may be caused by the proposed use, the applicant will be advised to avoid polluting or disturbing the adjacent watercourse during operation 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 for the septic tank that is proposed to be used by the applicant.
- 11.4 Three public comments objecting to the application were received during the statutory publication period as mentioned in paragraph 10 above. In this regard, government departments’ comments, planning assessments and considerations 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 29.7.2025. 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 29.1.2023;

- (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 29.4.2023;
- (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 implementation of the accepted 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 29.1.2023;
- (e) 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;
- (f) if any of the above planning condition (a), (b) or (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
- (g) 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 III**.

- 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**

<b>Appendix I</b>	Application form with supplementary information received on 10.6.2022
<b>Appendix Ia</b>	FI received on 14.7.2022 and 18.7.2022
<b>Appendix II</b>	General departmental comments
<b>Appendix III</b>	Recommended advisory clauses
<b>Appendix IV</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
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
JULY 2022**