

TOWN PLANNING BOARD

**TPB Paper No. 10793
For Consideration by the
Town Planning Board on 17.12.2021**

**Proposed Amendments to the Definitions of Terms Used
in Statutory Plans and Board Use Terms**

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Used in Statutory Plans and Board Use Terms**

1. Purpose

This paper is to seek Members' agreement to the proposed amendments to the Definition of Terms used in Statutory Plans (DoT) and Broad Use Terms (BUT).

2. Background

On 28.2.2003, the Town Planning Board (the Board) endorsed a set of revised DoT and BUT. Subsequently, the DoT and BUT have been refined many times to meet the changing planning circumstances and economic and social needs. The last refinement was made in December 2018. For clarity and streamlining the planning application process, further amendments to the DoT and BUT are considered necessary.

3. Proposed Amendments

(a) *Agricultural Use and Animal Boarding Establishment*

3.1 In considering a s.17 review of an application (No. A/YL-PN/55) for a temporary animal boarding establishment within "Agriculture" zone on 9.8.2019, a Member noted that the application site had more than 50 fruit trees and enquired whether the operation of animal boarding establishment at the site, which involved keeping of dogs, might be akin to 'Agricultural Use' which is always permitted in the "Agriculture" zone. While 'Agricultural Use' and 'Animal Boarding

Establishment’ are separate terms under the current DoT, since both terms may involve keeping/rearing of animals, there is a need to refine the DoT to distinguish the two terms.

- 3.2 On the other hand, under the current DoT, ‘Animal Boarding Establishment’ means any boarding establishment for animals which requires a license granted under the Public Health (Animals) (Boarding Establishment) Regulations (Cap. 139I)¹. This definition does not cover establishments which do not involve a return of fee, e.g. free animal shelters, because they are not required to obtain a license from the Agriculture, Fisheries and Conservation Department. In addition, the current definition is considered not broad enough to include similar uses which operations are akin to animal boarding establishments such as animal breeding centres, animal recreation centres and animal training centres which are the subject of applied use of some planning applications and have similar planning implications.
- 3.3 Under the current DoT, ‘Agricultural Use’ means “any land used for the growing of crops and plants, and rearing of animals and fish including horticulture, aquaculture, fruit growing, seed growing.....and paddy fields.” To draw a clear distinction between ‘Agricultural Use’ and ‘Animal Boarding Establishment’, it is proposed to revise the DoT of ‘Agricultural Use’ to clearly specify that land used for rearing of animals *for the purpose of providing food and other products* would be regarded as ‘Agricultural Use’. On the basis of paragraph 3.2 above, the term of ‘Animal Boarding Establishment’ is also broadened to mean *any place or premises providing food and accommodation, training or recreation facilities for or undertaking breeding of animals other than livestock* so as to include free animal shelters, animal breeding centres, animal recreation centres and animal training centres. Opportunity is also taken to update the BUT for ‘Animal Boarding Establishment’ by removing ‘Stable’ from the subsumed use and kennel and cattery from the remarks because they are already included in the Remarks of the DoT for ‘Animal Boarding Establishment’.

¹ Any person who provides food and accommodation for animals in return for a fee paid by the owner must apply for a Boarding Establishment Licence from the Agriculture, Fisheries and Conservation Department

- 3.4 The proposed amendments to the DoT of 'Agricultural Use' and BUT and DoT of 'Animal Boarding Establishment' are highlighted in **bold** and *italics* and deletion in '~~cross-out~~' in **Annex A**.

(b) ***Holiday Camp and Tent Camping Ground***

- 3.5 Given the rising demand for local tourism and outdoor recreational facilities in recent years, the Board had received and considered increasing number of planning applications involving privately operated tent camping ground use on a temporary basis in various land use zones in the past five years. These applications mainly involved provision of a camping ground on private land with tents erected on a temporary or permanent basis with or without supporting facilities to provide short term accommodation for leisure purposes. During processing of such planning applications, the tent camping ground use had been regarded as 'Holiday Camp', 'Tent Camping Ground' or 'Place of Recreation, Sports or Culture' depending on the nature of the proposed development. There is a need to refine the DoT of 'Holiday Camp' and 'Tent Camping Ground', both covering places for temporary lodging/short term accommodation², to cater for the said newly emerging use.
- 3.6 Under the current DoT, 'Holiday Camp' means any place where huts, cabins or other structures are put up as short-term accommodation for leisure for people on outings or on vacation. It is considered that tent camping ground which also provides short-term accommodation for similar leisure purposes are akin to the 'Holiday Camp' use. However, the wordings of 'huts, cabins or other structures' in the current DoT could not clearly cover erection of tents or other forms of non-permanent shelters commonly found in tent camping ground. It is proposed to refine the definition so that 'shelters' including tents, caravans and/or other non-permanent shelters would be covered under

² 'Place of Recreation, Sports or Culture' means any place or premises intended to be used for a place of recreation, sports or culture. It does not cover uses for temporary lodging or short-term accommodation.

the definition of ‘Holiday Camp’.

- 3.7 The DoT of ‘Tent Camping Ground’ use means any place open to the public where tents are put for temporary lodging for recreational or training purpose. It is intended to cover tent camping ground operated or designated by government departments including the Leisure and Cultural Services Department and Agriculture, Fisheries and Conservation Department. To draw a clear distinction between ‘Holiday Camp’ and ‘Tent Camping Ground’, it is also proposed to revise the DoT of ‘Tent Camping Ground’ in parallel to reflect that such use excludes those which are privately owned and/or commercially operated. The proposed amendment to the DoT of ‘Holiday Camp’ and ‘Tent Camping Ground’ are highlighted in **bold** and *italics* and deletion in ‘~~cross-out~~’ in **Annex A**.

(c) **Petrol Filling Station**

- 3.8 The Government announced the Hong Kong Roadmap on Popularisation of Electric Vehicles (EVs) in March 2021 setting out the long-term policy objectives and plans to promote the adoption of EVs and their associated supporting facilities in Hong Kong. As regards the EV charging network, the Environmental Protection Department plans to expand the EV charging network on all fronts and marketise charging services progressively. One of the initiatives is to explore the need and feasibility to gradually convert some of the existing petrol filling stations to quick charging stations in the medium to long term that offer charging services to EVs. To timely facilitate the above initiative without introducing a new term for EV charging facilities incorporating into the Notes of relevant zones, it is proposed to amend the DoT of ‘Petrol Filling Station’ to also cover the supply of electricity to EVs.
- 3.9 The proposed amendment to the DoT of ‘Petrol Filling Station’ is highlighted in **bold** and *italics* and deletion in ‘~~cross-out~~’ in **Annex A**.

4. Consultation

Concerned government bureaux/departments have been consulted on the proposals and no objection or adverse comments have been received. Departmental comments have been incorporated in the proposals, where appropriate.

5. Promulgation

Upon Members' agreement to the proposals mentioned in paragraph 3 above, the revised DoT and BUT will be uploaded to the Board's website, which shall take effect upon promulgation.

6. Decision Sought

Members are invited to consider and agree to the proposed amendments to the BUT and DoT in **Annex A** and the proposed arrangement for promulgation.

Annex

Annex A Proposed Revised Definition of Terms used in Statutory Plans and Broad Use Terms

**PLANNING DEPARTMENT
DECEMBER 2021**

Proposed Revised Definition of Terms
Used in Statutory Plans and Broad Use Terms

(a) Definition of Terms

Use	Definition	Remarks
Agricultural Use	Means any land used for the growing of crops and plants, and rearing of animals and fish <i>for the purpose of providing food and other products</i> including horticulture, aquaculture, fruit growing, seed growing, market gardens, nursery grounds, dairy farming, the breeding and keeping of poultry and livestock, grazing land, meadow land, fish ponds and paddy fields.	<p>It includes any structure or premises ancillary to and directly connected with the agricultural activities, such as cowshed, green house and structure for the storage of machinery, tools, carts, trolleys, seeds and fertilizers; but excludes any structure or premises for domestic purposes.</p> <p>It also includes fish pond culture and the use of land for growing shrubs or trees where that use is ancillary to the predominant arable, pastoral or fish farming use, but excludes hobby farming and fishing ground which are regarded as some types of 'Place of Recreation, Sports or Culture'.</p> <p>For cultivation, soil may be deposited or placed on land. The thickness of such deposition or placement of soil shall not exceed 1.2</p>

Use	Definition	Remarks
		metres above the original ground level. <i>[‘Fish Pond Culture’ and ‘Plant Nursery’ subsumed under this term unless otherwise specified]</i>
Animal Boarding Establishment	Means any <i>place or premises providing food and accommodation, training or recreation facilities for or undertaking breeding of animals other than livestock.</i> boarding—establishment—for animals which requires a license granted under the Public Health (Animals)——(Boarding Establishment)——Regulations (Cap. 139I).	It includes kennels, cattery and stable. <i>It also includes boarding establishment for animals with or without a license granted under the Public Health (Animals) (Boarding Establishment) Regulations (Cap. 139I).</i>
Holiday Camp	Means any place where huts, cabins, or other structures <i>or shelters</i> are put up as short-term accommodation for leisure for people on outings or on vacation.	<i>Examples of shelters include tents, caravans etc.</i> It excludes resort type developments which could be occupied or sold as residential dwellings for long-term accommodation purpose. It also excludes tent camping sites <i>ground other than those which are privately owned and/or commercially operated.</i>

Use	Definition	Remarks
Tent Camping Ground	Means any place open to the public where tents are put for temporary lodging for recreational or training purpose.	<i>It excludes tent camping ground which are privately owned and/or commercially operated.</i> [‘Tent Camping Site’ subsumed under this term]
Petrol Filling Station	Means any place or premises where gasoline, liquefied petroleum gas, oil, and grease <i>and electricity</i> may be supplied and dispensed at retail, and where in addition the following services may be rendered:- (a) washing and polishing and sale of automotive washing and polishing materials; (b) greasing and lubrication; and (c) minor servicing of motor vehicles.	

(b) Broad Use Terms

Broad Use Term	Subsumed Use Term(s)	Remarks
Animal Boarding Establishment	Stable	Also includes kennel, cattery.