

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

**APPLICATION NO. A/YL-KTN/665**

<b><u>Applicant</u></b>	: Income Mall Limited represented by R-riches Property Investment Consultants Limited
<b><u>Site</u></b>	: Lots 926 RP, 957 S.A to S.Z, 957 S.AA to S.AC and 957 RP in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long
<b><u>Site Area</u></b>	: About 3,885 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan No. S/YL-KTN/9
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm and Caravan Holiday Camp) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning application to use the application site (the Site) for temporary place of recreation, sports or culture (hobby farm and caravan holiday camp) for a period of 3 years. 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 within the “AGR” zone, which requires permission from the Town Planning Board (the Board) whilst caravan camp site use may only be permitted on a temporary basis upon application to the Board. The Site is partly paved, and party covered by vegetation, mostly vacant with a few caravans and a restaurant without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is the subject of two previous applications for similar uses submitted by the same applicant as the current application. The last Application No. A/YL-KTN/520 was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 27.5.2016 for a period of 3 years. All

approval conditions have been complied with and the planning permission lapsed on 27.5.2019.

- 1.3 According to the applicant, the Site will be divided into 39 plots of farms (2,098m<sup>2</sup> or about 54% of the Site) and 11 plots for caravan camp sites (427m<sup>2</sup> or about 11% of the Site). The circulation area will be paved (867m<sup>2</sup> or about 22% of the Site) and the remaining area will be soil ground (3,018 m<sup>2</sup> or about 78% of the Site). 14 single-storey structures will be erected on-site with building height ranging from 2.5m to 3.8m and a total floor area of about 465.85m<sup>2</sup> for reception and agriculture teaching center, storage of agricultural tools and seeds, portable toilet and caravan camp uses. The maximum number of visitors at the Site will be 42 per day. Visitors can farm at the farm area and stay overnight at the caravan camp. 15 private car/light goods vehicle parking spaces, and 1 loading/unloading space for light goods vehicle will be provided within the Site. The Site is accessible from San Tam Road via Fung Kat Heung Road and a local track. The operation hours are 24 hours daily including public holidays. According to the applicant, no public announcement system, portable loudspeaker or any form of audio amplification system would be used at the Site. The site layout, landscape, drainage, fire service installations (FSIs) and vehicular access plans submitted by the applicant are at **Drawings A-1 to A-5**.
- 1.4 When compared with the last Application No. A/YL-KTN/520, the current application is the same in terms of site area, layout and development parameters.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with plans received on 7.5.2019      **(Appendix I)**
  - (b) Supplementary information (SI) submitted on 16.5.2019      **(Appendix Ia)**
  - (c) Further Information (FI) received on 26.6.2019 and 28.6.2019 in response to departmental comments      **(Appendix Ib)**

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in part 9 of the Application Form, the SI and FI in **Appendices I to Ib**. They can be summarized as follows:

- (a) The applied use and development parameters, as well as the mode of operation, are the same as the previously approved Application No. A/YL-KTN/520 and all approval conditions of the last application have been complied with. There is insufficient time for processing a renewal application, thus a new application is submitted.
- (b) The applicant will strictly follow the proposed scheme once planning permission is granted. Uses not included in the application will be prohibited at the Site. The

applicant will also make effort to ensure the Site is up to the building and fire safety standards.

### **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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to the Kam Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The use for place of recreation, sports or culture (hobby farm and caravan holiday camp) and eating place on the Site would be subject to planning enforcement action.

### **5. Previous Applications**

5.1 The Site is the subject of two previous applications (No. A/YL-KTN/474 and 520) for similar uses submitted by the same applicant as the current application. Details of the previous applications are summarized in **Appendix II** and the location is shown on **Plan A-1**.

5.2 Applications No. A/YL-KTN/474 and 520 for proposed temporary hobby farm (the latter with caravan camp site) were approved by the Committee with conditions on 7.8.2015 and 27.5.2016 respectively for a period of 3 years mainly for the reasons that temporary approval would not frustrate the long-term planning intention of the “AGR” zone; not incompatible with the surrounding land uses; the proposed development would unlikely cause significant adverse environmental, traffic, landscape or drainage impacts; and concerned departments had no objection to the applications. Application No. A/YL-KTN/474 was revoked on 7.8.2016 due to non-compliance with approval conditions in relation to the submission and/or implementation of landscape, tree preservation, drainage and FSIs proposals and revised layout plan. For the last Application No. A/YL-KTN/520, all approval conditions have been complied with and the planning permission lapsed on 27.5.2019.

### **6. Similar Applications**

6.1 There are 16 similar applications (No. A/YL-KTN/394, 465, 513, 516, 535, 536, 538, 571, 579, 610, 615, 620, 626, 630, 636 and 649) within the same “AGR” zone on the Kam Tin North OZP. Except Applications No. A/YL-KTN/394 and 649, all the similar applications were approved with conditions by the Committee between 2015 and 2019. Details of these applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.

- 6.2 Five applications (No. A/YL-KTN/465, 516, 535, 538 and 571 for temporary hobby farm (A/YL-KTN/535 included caravan holiday camp)) for a period of 3 years near Cheung Kong Tsuen and Tai Kong Po were approved between 2015 and 2017 mainly for the reasons that temporary approval would not frustrate the long-term planning intention of the “AGR” zone; not incompatible with the surrounding land uses; the proposed developments would unlikely cause significant adverse environmental, traffic, landscape or drainage impacts; and concerned departments had no objection to the applications.
- 6.3 Nine applications (No. A/YL-KTN/513, 536, 579, 610, 615, 620, 626, 630 and 636 for temporary hobby farm (A-YL-KTN/536 included caravan holiday camp)) for a period of 3 years at Fung Kat Heung and near Pak Wai Tsuen were approved between 2015 and 2019 on similar reasons as stated in paragraph 6.2 above.
- 6.4 Planning permission of applications Nos. A/YL-KTN/465, 513, 516, 535 and 538 were revoked between 2016 and 2018 due to non-compliance with approval conditions in relation to submission and/or implementation on landscape, drainage and fire services installation proposals.
- 6.5 Application No. A/YL-KTN/394 for proposed temporary field study/education centre and hobby farm for a period of 5 years was rejected by the Board on review on 14.6.2013 mainly on the grounds that the site was the subject of unauthorized land filling and the filling material were not suitable for cultivation; there was no detailed information regarding the design and operation of the proposed development particularly the hobby farm, field study/education centre and the office with porch; the applicant failed to demonstrate that the proposed development would not generate adverse landscape and drainage impacts on the surrounding areas; and approving the application would set an undesirable precedent, and the cumulative effect of which would result in a general degradation of the rural environment of the area.
- 6.6 On 3.5.2019, the Committee deferred a decision on Application No. A/YL-KTN/649 for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 5 years pending further information from the applicant and concerned departments on site background, existing soil condition and operation details of the proposed use.

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

- 7.1 The Site is:
- (a) partly paved, and party covered by vegetation, mostly vacant with a few caravans and a restaurant without valid planning permission; and
  - (b) accessible from San Tam Road via Fung Kat Heung Road and a local track.
- 7.2 The surrounding areas are rural in character predominated by cultivated agricultural land, residential structures/dwellings, open storage/storage yards,

parking of vehicles, hobby farm and vacant/unused land. The open storage/storage yards, parking of vehicles and hobby farm are suspected unauthorized development subject to enforcement action by the Planning Authority (**Plan A-2**):

- (a) to its north, east and south are cultivated agricultural land, scattered residential structures/dwellings, open storage/storage yards, parking of vehicles and vacant/unused land; and
- (b) to its west and northwest across a local track are cultivated agricultural land, open storage/storage yards, a hobby farm and vacant land.

## **8. 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.

## **9. Comments from Relevant Government Departments**

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

9.1.1 Comments of the District Lands Officer, Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Within the Site, Lot No. 926 RP in D.D. 107 is currently covered by Short Term Waiver (STW) No. 4477 to permit structures erected thereon for the purpose of “Temporary Hobby Farm”.
- (c) The Site is accessible from Fung Kat Heung Road via Government Land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (c) The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within the SKAHRA.
- (d) Should planning approval be given to the planning application,

the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. The owner(s) of the lot without STW will need to apply to his office to permit the structures to be erected or regularize any irregularities on Site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

### **Traffic**

#### 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by his department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

#### 9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) His department shall not be responsible for the maintenance of any access connecting the Site and San Tam Road.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

### **Agriculture**

#### 9.1.4 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

It is noted that the applicant proposes to allocate some portion of the Site in between cultivation area for caravan camp, which are uses not directly related to agricultural activities. Having said that, part of the Site will be used for cultivation activities. As such, he has no strong view against the application from agricultural development point of view.

### **Environment**

#### 9.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application from the environmental planning perspective subject to the following:
  - (i) The applicant should follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisance. In particular, the applicant should minimise any noise from the proposed use such as prohibiting the use of public announcement system, portable loudspeaker and any form of audio amplification system. The applicant is also advised to follow Chapter 9 of the Hong Kong Planning Standards and Guidelines that abstraction of water and discharge of effluents should not be carried out in a manner that will cause detrimental effects on downstream agricultural uses; and
  - (ii) It is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances and provide adequate supporting infrastructure/ facilities for proper collection, treatment and disposal of waste/ wastewater generated from the proposed use.
- (b) There was no environmental complaint concerning the Site received in the past three years.

### **Landscape**

#### 9.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) She has no objection to the application from the landscape planning point of view.
- (b) The Site is subject to two previous applications and she had no objection to the last Application No. A/YL-KTN/520 from landscape planning perspective.
- (c) With reference to the aerial photo taken in 2018, the surrounding area is comprised of farmlands, temporary structures and

scattered tree groups. The proposed use is not incompatible with the landscape setting in proximity.

- (d) According to the site visit conducted on 21.5.2019, existing trees implemented in the last planning permission were still in place. Further significant adverse landscape impact arising from the proposed use is not anticipated.
- (e) In consideration that there is no prominent public frontage around the Site, should the application be approved, landscape condition in planning approval is not recommended as its effect on enhancing the landscape quality of public realm is not apparent.
- (f) According to the submitted landscape drawing, two trees are indicated to be removed. The applicant is reminded to obtain approval from the relevant tree authority on the proposed tree felling prior to commencement of works.

### **Drainage**

9.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no in-principle objection to the proposed development.
- (b) As enclosed in the submission, the applicant would maintain the same drainage proposal as those proposed under the previous Application No. A/YL-KTN/520. However, he notes from previous record and site inspection that the flow direction should be from CP10 to CP9 and then to CP11 while the desilting facility should be located at CP9, and hence the submitted drainage plan is considered inconsistent.
- (c) Should the application be approved, conditions requiring the applicant to submit and implement a revised drainage proposal and maintain the implemented drainage facilities should be included in the planning permission.

### **Fire Safety**

9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) He has the following comments on the submitted FSIs proposal:
  - (i) In the form of notes, list out the FSIs and equipment should be provided; and



- (ii) Plan should be prepared in A3 size corresponding to the scale as quoted.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123) or licence is required under the Hotel and Guesthouse Accommodation Ordinance (HAGAO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively.

### **Building Matters**

#### 9.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, BD is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are UBW under the BO and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (f) If the Sites does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

- (g) If the applied use is subject to issue of a license, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.

### **Food and Environmental Hygiene**

#### 9.1.10 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) If any FEHD's facility is affected by the proposed development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD.
- (b) Proper licence and/or permit issued by FEHD is required if any food business and/or activities related to place of entertainment is involved:
  - (i) For the operation of any types of food business, relevant food licence(s) and/or permit(s) should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132).
  - (ii) Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement. A Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment.
- (c) If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

## **Licencing**

### 9.1.11 Comments of the Director of Home Affairs (D of HA):

- (a) For caravans providing short-term sleeping accommodation at a fee, if their mode of operation falls within the definition of “hotel” and “guesthouse” under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (HAGAO), a licence must be obtained before operation. “A Guide to Licence Applications for Guesthouse (Holiday Camp) - Caravan Camp Site under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349)” are available at the Office of the Licensing Authority's website.
- (b) For any structures to be included into the licence, the applicant should submit a copy of either an occupation permit issued by the Buildings Authority (BA) or a Certificate of Compliance issued by the LandsD when making an application under the HAGAO.
- (c) The licensing requirements will be formulated after his inspection upon receipt of the application under HAGAO.
- (d) In respect of the proposed caravan holiday camp at the Site, his office has received an application for issue of a licence under the HAGAO in 2016 but has refused the application because the applicant showed no intention to comply with the building and fire safety requirements. Since then, no application for the issue of licence was received.

## **Water Supplies**

### 9.1.12 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) Existing 40mm diameter water mains will be affected (**Plan A-2**). The developer shall bear the cost of any necessary diversion work affected by the proposed development.
- (c) In case it is not feasible to divert the affected water mains within the Site, a waterworks reserve within 1.5m from the centerline of the water mains shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes.
- (d) The Water Authority and his officers and contractors, his or their workmen shall have the free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services

across, through or under it which the Water Authority may require or authorize.

- (e) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

### **District Officer's Comments**

9.1.13 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

He has not received any comments from locals and he has no particular comments on the application.

9.2 The following Government departments have no comment on the application:

- (a) Director of Leisure and Cultural Services (DLCS);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Commissioner of Police (C of P).

## **10. Public Comments Received During the Statutory Publication Period**

On 17.5.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 7.6.2019, three public comments were received from individuals (**Appendices IV-1 to IV-3**). The commenters object to the application mainly on the grounds that the proposed development would generate adverse traffic and sewerage impacts; abuse of use of the facilities at the Site to accommodate visitors as opposed to recreational facilities for locals; and the Site is currently occupied by a restaurant which leads to traffic, safety and air quality concerns.

## **11. Planning Considerations and Assessments**

11.1 The application is for proposed temporary place of recreation, sports or culture (hobby farm and caravan holiday camp) for a period of 3 years in the "AGR" zone. 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. According to the applicant, about 54% of the Site will be used for farming. The proposed use is generally not in conflict with the planning intention of the "AGR" zone. Although caravan camp sites are recreational use not directly related to agricultural activities, according to the applicant, the proposed caravan camp sites, which occupy about 11% of the Site, will provide overnight accommodation to the hobby farm users. DAFC has no strong view against the application from agricultural point of view. As such, it is considered that approval of the

application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “AGR” zone.

- 11.2 The proposed development with farm and some low-rise structures is considered not incompatible with the surrounding land uses which is predominated by cultivated agricultural land, residential structures/dwellings, open storage/storage yards, parking of vehicles, hobby farm and vacant/unused land.
- 11.3 According to the applicant, the Site would be divided into 39 fields for farming and 11 caravan camp sites. The maximum number of visitors at the Site will be 42 per day. In view of the nature of the hobby farm, it would unlikely cause significant adverse environmental, traffic or drainage impacts to the surroundings. Relevant departments consulted including C for T, CTP/UD&L of PlanD, DEP, CE/MN of DSD and D of FS have no adverse comment on the application. To minimize any possible environmental nuisance, approval conditions restricting the type of vehicles and prohibiting the use of public announcement system at the Site are recommended in paragraph 12.2 (a) and (b) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Besides, 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”. The technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by approval conditions in paragraph 12.2 (c) to (h) below.
- 11.4 The Site is the subject of two previous temporary planning approvals (Applications No. A/YL-KTN/474 and 520) for similar uses. All approval conditions of the last approved application have been complied with and the planning permission lapsed on 27.5.2019. When compared with the last Application No. A/YL-KTN/520, the current application is the same in terms of site area, layout and development parameters. As there is no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application. There are also 14 similar applications for proposed temporary hobby farm within the same “AGR” zone approved with conditions by the Committee between 2015 and 2019. Approval of the application is in line with the Committee’s previous decisions on previous and similar applications.
- 11.5 Three public comments were received during the statutory publication period objecting to the application mainly on the grounds of adverse traffic and sewerage impacts and current restaurant use of the Site. In this regard, relevant departments have no adverse comment on the application. The restaurant use is not included in the current application. Any use of the land not allowed under the OZP nor covered by planning permission will be subject to enforcement by the Planning Authority. The departmental comments and planning considerations and assessments as stated above are also relevant.

## 12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 12 and having taken into account the public comments in paragraph 11, the Planning Department considers that the temporary place of recreation, sports or culture (hobby farm and caravan holiday camp) 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 5.7.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) 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;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of a revised 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 5.1.2020;
- (e) in relation to (d) above, the implementation of the revised 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 5.4.2020;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of 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 5.1.2020;
- (h) in relation to (g) above, the implementation of 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 5.4.2020;
- (i) if any of the above planning conditions (a), (b), (c) or (f) 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;

- (j) if any of the above planning conditions (d), (e), (g) or (h) 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
- (k) 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 at **Appendix V**.

- 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 to retain and safeguard good 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 with plans received on 7.5.2019
- Appendix Ia** SI submitted on 16.5.2019
- Appendix Ib** FI received on 26.6.2019 and 28.6.2019 in response to departmental comments

<b>Appendix II</b>	Previous applications covering the Site
<b>Appendix III</b>	Similar applications within the same “AGR” zone on the Kam Tin North OZP
<b>Appendix IV-1 to IV-3</b>	Public comments received during the statutory publication period
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	Landscape Plan
<b>Drawing A-3</b>	Drainage Plan
<b>Drawing A-4</b>	Fire Service Installations Plan
<b>Drawing A-5</b>	Vehicular Access Plan
<b>Plan A-1</b>	Location Plan with Similar Application
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2019**