



長春社 Since 1968

The Conservancy Association

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26th July 2022

Town Planning Board
15/F North Point Government Offices
333 Java Road
North Point
Hong Kong

By e-mail: tpbpd@pland.gov.hk

Dear Sir/Madam,

Comments on the Section 16 Application No. A/YL-KTN/844

The Conservancy Association (CA) OBJECTS to the captioned application.

1. Not in line with the planning intention of Agriculture (AGR) zone

According to the approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9, the planning intention of agriculture zone “*is intended 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*”. From the application, however, we cannot see any details to justify that the plan would fulfill the above planning intention, especially the need to propose 24% of paved area. We do not think such plan is in line with the planning intention.

2. Adverse environmental impacts

We worry that there would be several potential adverse environmental impacts caused by the application:

- No plans on land recovery: Various structures/uses, including ancillary changing space, ancillary storage, reception, car parking spaces, and so on, would be temporarily proposed in the application site. However, no details are available to illustrate how the land would be recovered after the proposed temporary use.
- Adverse sewage impact: The applicant does not provide any details of sewage arrangement, such as design, collection, treatment, disposal of sewage, back-up plans,



and so on. We worry that if the above issues cannot be properly addressed, it may lead to serious environmental and hygiene problems within the application site and its surrounding area.

- Light and noise pollution: The application mentioned that the proposed site will be opened 24 hours daily including public holiday. Therefore, light and noise pollution generated from various activities would be highly inevitable. Unfortunately, no attempts have been proposed to tackle such disturbance.
- Other sources of environmental impacts not clearly addressed: There are no site management and operational plans to describe issues such as number of expected visitors/users, crowd control, waste management, additional provision of ancillary utilities, and so on. All these would help identify source of environmental impacts and then suggest measures to minimize or mitigate potential environmental disturbance, but we cannot see the project proponent has attempted to address this.

3. Undesirable precedent for similar applications

According to Statutory Planning Portal 2, we note that since 2012, 2 planning applications (Nos. A/YL-KTN/394 and 649) have been submitted for temporary hobby farm at the same site.

- Application No. A/YL-KTN/394 was rejected on the 1035th Town Planning Board meeting. The applicant failed to deal with adverse landscape and drainage impacts, and undesirable precedent for similar applications within the "AGR" zone.
- Application No. A/YL-KTN/649 was approved with conditions on a temporary basis in August 2019. However, the applicant applied for Class B Amendment – extension of time limit 9 times.

The applicant of A/YL-KTN/649 used 3 years in total to submit extension of time limit, and the applied use is similar to the current proposed uses in A/YL-KTN/844. With the above observation, we doubt that the applicant is not able to fulfil the conditions mentioned by Town Planning Board (TPB). We do not think further sympathetic consideration should be given or it would set undesirable precedent for similar applications in future.



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4. Undesirable precedent of “destroy first, build later”

This site has been subject to land formation and vegetation clearance. Enforcement Notice (Case No. E/YL-KTN/0308, E/YL-KTN/0590) has been issued by Planning Department due to use of tent. It is suspected that this is a case of “destroy first, build later”.

Planning Department and members of Town Planning Board (TPB) should alert that TPB has announced approaches to deter “destroy first, build later” activities in 2011. It stated that “the Board is determined to conserve the rural and natural environment and will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned”¹. Therefore, this application should not be given any sympathetic consideration, or it will set an undesirable precedent for similar cases in future.

Yours faithfully,
Chow Oi Chuen
Campaign Officer
The Conservancy Association

¹ TPB Press Release. Available at: <http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>