

Previous s.16 Application covering the Application Site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Rejection Reason(s)</u>
1.	A/YL-KTN/624	Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	15.2.2019 [on review]	(1), (2)

Rejection Reasons

- (1) the proposed development is not in line with the planning intention of the “Agriculture” zone which 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. There is no strong justification in the submission for a departure from the planning intention, even on a temporary basis
- (2) the applicant fails to demonstrate that the proposed development will not generate environmental nuisance on the surrounding areas.

**Appendix III of RNTPC
Paper No. A/YL-KTN/660A**

Similar Applications within the same “AGR” Zone on the Kam Tin North OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-KTN/465	Proposed Temporary Hobby Farm for a Period of 3 Years	3.7.2015 [revoked on 3.4.2016]	(1), (2), (3), (4), (5), (6)
2	A/YL-KTN/474	Proposed Temporary Hobby Farm for a Period of 3 Years	7.8.2015 [revoked on 7.8.2016]	(1), (2), (3), (4), (5), (6), (10)
3	A/YL-KTN/513	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	18.3.2016 [revoked on 18.2.2018]	(1), (2), (3), (4), (5), (6)
4	A/YL-KTN/516	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	18.3.2016 [revoked on 18.12.2016]	(1), (2), (3), (4), (5), (6)
5	A/YL-KTN/520	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm and Caravan Camp Site) for a Period of 3 Years	27.5.2016	(1), (2), (3), (4), (5), (6), (7)
6	A/YL-KTN/535	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm and Caravan Holiday Camp) for a Period of 3 Years	13.1.2017 [revoked on 13.12.2018]	(1), (2), (3), (4), (5), (6), (7),
7	A/YL-KTN/536	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm and Caravan Holiday Camp) for a Period of 3 Years	13.1.2017	(1), (2), (3), (4), (5), (6), (7)
8	A/YL-KTN/538	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	23.12.2016 [revoked on 23.9.2017]	(1), (2), (3), (4), (5), (6), (7), (8), (9)
9	A/YL-KTN/571	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	8.9.2017	(1), (3), (4), (5), (6), (7)
10	A/YL-KTN/579	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	22.12.2017	(1), (2), (3), (4), (5), (6), (7), (8)

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
11	A/YL-KTN/609	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	3.8.2018 [revoked on 3.2.2019]	(1), (2), (3), (4), (5), (6), (7), (8)
12	A/YL-KTN/610	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	3.8.2018	(1), (2), (3), (4), (5), (6), (7), (8)
13	A/YL-KTN/615	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	16.11.2018	(1), (2), (3), (4), (5), (6), (7), (8)
14	A/YL-KTN/620	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	7.9.2018	(1), (2), (3), (4), (5), (6), (7), (8)
15	A/YL-KTN/626	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	18.1.2019	(1), (2), (3), (4), (5), (6), (7), (8), (11)
16	A/YL-KTN/630	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	18.1.2019	(1), (2), (3), (4), (5), (6), (7), (8), (11)
17	A/YL-KTN/636	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	21.12.2018	(1), (2), (3), (4), (5), (6), (7), (8)
18	A/YL-KTN/649	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years	16.8.2019	(1), (3), (4), (5), (6), (7), (8)
19	A/YL-KTN/665	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm and Caravan Camp) for a Period of 3 Years	5.7.2019	(1), (3), (4), (5), (6), (7), (8)
20	A/YL-KTN/670	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years	16.8.2019	(1), (3), (4), (5), (6), (7), (8)

Approval Conditions:

- (1) Restriction on operation hours/time / no vehicle is allowed to queue back to or reverse onto/from public road
- (2) Submission and implementation of landscape and tree preservation proposal/ implementation of the accepted landscape proposal
- (3) Submission and implementation of drainage proposal and/or maintenance of the implemented drainage facilities on the site
- (4) Submission and implementation of fire service installations proposal/provision of fire service installations
- (5) Revocation of the planning approval if any of the planning conditions is not complied by the KTN660A

- specified date or during the planning approval period
- (6) Reinstatement of the site to an amenity area or to the original state
 - (7) No public announcement system, portable loudspeaker or any form of audio amplification system on the site
 - (8) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, are allowed to be parked/stored on or enter the site
 - (9) Submission of a proposal and implementation to provide buffer planting along the northern boundary in order to screen potential disturbance to the adjacent drainage channel
 - (10) Submission and implementation of a revised layout plan with reduced paved area
 - (11) Maintenance of the implemented drainage facilities on the Site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason (s)</u>
1	A/YL-KTN/394	Proposed temporary field study/education centre and hobby farm for 5 years	14.6.2013 [on review]	(1), (2), (3)

Rejection Reasons

- (1) the site was the subject of unauthorized land filling. The filling materials on-site comprising sand, stones, debris and construction waste were not suitable for cultivation. There was no detailed information provided regarding the design and operation of the proposed development particularly the hobby farm, field study/education centre and the office with porch
- (2) the applicant failed to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas
- (3) approving the application would set an undesirable precedent for similar applications within the "AGR" zone, and the cumulative effect of which would result in a general degradation of the rural environment of the area

Advisory Clauses

- (a) resolve any land issues relating to the temporary use with the concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments that 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. The Site is accessible from Castle Peak Road – Tam Mi via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. 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. The lot(s) owner(s) 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 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 Lands D;
- (c) note C for T's comments that the Site is connected to the public road network via a section of a local access which is not managed by his department. The land status of the local access should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) note CHE/NTW, HyD's comments that his department shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – Tam Mi. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains;
- (e) note DEP's comments that the applicant is advised to adopt 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 nuisances. It is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures to prevent polluting the watercourse adjacent to the Site. Adequate supporting infrastructure/facilities should be provided for proper collection, treatment and disposal of waste/wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction should follow the requirements of EPD's Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department";

- (f) note D of FS's comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) note CBS/NTW, BD's comments that before any new building works (including containers/open sheds as temporary building) 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) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. 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. If the Site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (h) note DFEH's comments that proper licence and/or permit issued by FEHD is required if any food business and/or activities related to place of entertainment is involved. 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). 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, should obtain a Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) from FEHD whatever the general public is admitted with or without payment. If any FEHD's facility is affected by the 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. 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; and

- (i) note DEMS's comments that there are 11kV high voltage overhead lines running across the Site, which is within the preferred working corridor and preferred working circle to facilitate pole erection of the concerned overhead lines as stipulated in the HKPSG. The applicant should refer to the requirements of minimum safety clearance, minimum vertical clearance, preferred working corridor and preferred working circle to facilitate pole erection of the concerned overhead lines as stipulated in Clause 2.3.5, 2.3.6 and 2.3.15 under Chapter 7 - Utility Services of the HKPSG and ensure they shall be maintained at any time during and after construction. No scaffolding, crane and hoist shall be built or operated within 6m from the outermost 11kV conductors at all times. Warning notices should be posted at conspicuous locations to remind operators and workers of the site boundary. CLP Power shall be consulted on the safety precautions required for carrying out any works near the concerned overhead lines. In any time during and after construction, CLP Power shall be allowed to get access to the working corridor area of the concerned overhead lines for carrying out any operation, maintenance and repair work including tree trimming. The Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation shall be observed by the applicants and his contractors when carrying out works in the vicinity of the electricity supply lines.

