

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition (s)</u>
1	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)
2	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	(2), (3), (4), (5), (6), (7), (8), (9)

Approval Conditions

- (1) Restriction on operation hours
- (2) Submission and implementation of landscape and tree preservation proposal/implementation of the accepted landscape proposal
- (3) Submission and/or implementation of drainage proposal
- (4) Submission and implementation of fire service installations proposal
- (5) Revocation of the planning approval if any of the planning conditions is not complied with by the specified date or during the planning approval period
- (6) Reinstatement of the site to an amenity area
- (7) No reversing of vehicles into or out of the site
- (8) No queuing back of vehicles to public road from the site
- (9) No public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the site



**Appendix III of RNTPC
Paper No. A/YL-KTN/665**

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/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)
3	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)
4	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)
5	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),
6	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)
7	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)
8	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)
9	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)
10	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)
11	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)

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
12	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)
13	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)
14	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)
15	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)

Approval Conditions:

- (1) Restriction on operation hours/time / no reversing of vehicles into or out of the site or queuing of vehicles onto 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
- (4) Submission and implementation of fire service installations proposal
- (5) Revocation of the planning approval if any of the planning conditions is not complied by the 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 or 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), (4)

Rejection Reasons

- (1) the site is the subject of unauthorized land filling
- (2) there is 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/ on the boundary of war game activities, types of gun and bullet used and the associated safety rules and regulations. The potential impacts of the development could not be properly assessed.
- (3) the applicant fails to demonstrate that the development would not generate adverse landscape/ drainage/ traffic impacts on the surrounding areas and/or would have adequate fire services installation for fire fighting
- (4) approving the application would set an undesirable precedent for similar applications within the "AGR" and/or "CA" zone, and the cumulative effect of which would result in a general degradation of the rural environment of the area

Deferred Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>
1	A/YL-KTN/649	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years	3.5.2019



Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) the permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (d) note DLO/YL, LandsD's comments that 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 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. 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 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;
- (e) note C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by Transport 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;
- (f) note CHE/NTW, HyD's comments that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and San Tam Road;
- (g) note DEP's comments that 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. 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;

- (h) note CTP/UD&L of PlanD's comments that according to the submitted landscape drawing, two trees are indicated to be removed. The applicant should obtain approval from the relevant tree authority on the proposed tree felling prior to commencement of works;
- (i) note CE/MN, DSD's comments that for the drainage proposal, 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;
- (j) note D of FS's comments that regarding the submitted FSIs proposal, in the form of notes, list out the FSIs and equipment should be provided and plan should be prepared in A3 size corresponding to the scale as quoted. 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;
- (k) note CBS/NTW, BD's comments that 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. 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. 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. 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 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. 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;

- (l) note DFEH's comments that if any FEHD's facility is affected by the proposed development, FEHD's prior consent must be obtained. Re provisioning 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 re provisioned facilities to FEHD. 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. 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. 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;
- (m) note D of HA's comments that 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 (<https://www.hadla.gov.hk>). 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. The licensing requirements will be formulated after his inspection upon receipt of the application under HAGAO; and
- (n) note CE/C, WSD's comments that existing 40mm diameter water mains will be affected (Plan A-2 of the RNTPC Paper). The developer shall bear the cost of any necessary diversion work affected by the proposed development. In case it is not feasible to divert the affected water mains, 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. 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. 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.

