

Previous s.16 Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Condition(s)</u>
1.	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)

Approval Conditions:

- (1) Restriction on operation hours/time / no vehicle is allowed to queue back to or reverse onto/from public road
- (2) No public announcement system, portable loudspeaker or any form or audio amplification system on the site
- (3) 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
- (4) Submission and implementation of landscape proposal
- (5) Submission and implementation of drainage proposal
- (6) Submission of fire service installations proposal and provision of fire service installations
- (7) Revocation of the planning approval if any of the planning conditions is not complied by the specified date or during the planning approval period
- (8) Reinstatement of the site to an amenity area



**Appendix III of RNTPC  
Paper No. A/YL-KTN/666A**

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

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
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)



- (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



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

Comments on the submitted drainage proposal:

- (i) The invert level of the proposed surface u-channels should be provided.
- (ii) Cross sections showing the existing ground levels of the Site with respect to the adjacent areas should be given. The u-channels should be low enough to collect the overland flow from the adjacent lowlying area.
- (iii) Consideration should be given to provide grating for all the existing and proposed surface channels.
- (iv) The proposed development site is located near Sha Po lowlying area. Please indicate spot levels of the adjacent areas to determine demonstrate overland runoff from adjacent areas will not flow into/pass through the Site.
- (v) Connection details to the adjacent channel outside the Site should be provided.





**Advisory Clauses**

- (a) resolve any land issues relating to the temporary use with the concerned owner(s) of the Site;
- (b) should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (c) note DLO/YL, LandsD's comments that Site comprises an Old Scheduled Agricultural Lot 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 SKAHRA. The lot 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 LandsD;
- (d) 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;
- (e) 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 the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road - Tam Mi;
- (f) note DEP's comments that the applicant is advised to 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 minimize any potential environmental nuisance. 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 and pond 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";

- (g) note CE/MN of DSD's comments that the invert level of the proposed surface u-channels should be provided. Cross sections showing the existing ground levels of the Site with respect to the adjacent areas should be given. The u-channels should be low enough to collect the overland flow from the adjacent lowlying area. Consideration should be given to provide grating for all the existing and proposed surface channels. The proposed development site is located near Sha Po lowlying area. Please indicate spot levels of the adjacent areas to determine demonstrate overland runoff from adjacent areas will not flow into/pass through the Site. Connection details to the adjacent channel outside the Site should be provided.
- (h) 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 Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. Regarding the submitted FSIs proposal, relevant standard and specification of emergency lighting shall be provided, i.e. Emergency lighting shall be provided in accordance with BS 5266: Part 1 and BS EN 1838. Typo "Prottable" fire extinguisher was noted;
- (i) note CBS/NTW, BD's comments that before any new building works (including containers/open sheds as temporary buildings, demolition 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. If the existing structures (not being a New Territories Exempted House) are erected on leased land without 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. 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; and
- (j) 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.

