

Similar Applications within the Same “AGR” Zone on  
Kam Tin South Outline Zoning Plan

Approved Applications

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Approval Conditions
1.	A/YL-KTS/659	Proposed temporary hobby farm for a period of 3 years	6.2.2015 [Revoked on 6.8.2016]	(a) to (f)
2.	A/YL-KTS/779	Temporary Place of Recreational, Sports or Culture (Hobby Farm) for a Period of 3 Years	6.4.2018	(a) to (g)
3.	A/YL-KTS/784	Temporary Place of Recreational, Sports or Culture (Hobby Farm) for a Period of 3 Years	15.6.2018	(a), (c) to (h)

Approval Conditions

- (a) Restriction on operation hours
- (b) Submission and/or implementation of landscape and tree preservation proposal
- (c) Submission of drainage proposal and/or provision of drainage facilities and/or maintenance of drainage facilities
- (d) Submission of fire service installations (FSIs) proposal and/or provision of FSIs
- (e) If the planning condition is not complied with during planning approval or by a specified date, the approval shall cease to have effect and be revoked without notice
- (f) Reinstatement of the site to an amenity area upon expiry of the planning permission
- (g) No public announcement system, portable loudspeaker or audio amplification system is allowed to be used on the Site during the planning approval period
- (h) Proper maintenance of all landscape planting within the Site

### Rejected Applications

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Rejection Reasons
1.	A/YL-KTS/576	Temporary place for hobby farm, ecological cycling tour and barbecue spot for a period of 3 years	21.6.2013	(c) to (e)
2.	A/YL-KTS/697	Proposed temporary place of recreation, sports or culture (including barbecue site and kiosks) for a period of 3 years	18.3.2016	(a) to (d)

### Rejection Reasons

- (a) Not in line with the planning intention of the "AGR" zone
- (b) No strong planning justification in the submission for a departure from the planning intention
- (c) The applicant failed to demonstrate that the proposed development would not generate adverse environmental, drainage and/or landscape impacts on the surrounding areas
- (d) Approval of the application would set an undesirable precedent for other similar uses in the same zone and the cumulative effect of approving such applications would result in a general degradation of the rural environment of the area
- (e) No detailed information provided on the design and operation of the development

**Detailed comment of DFEH**

- (a) Proper licence/permit issued by FEHD is required if food business or related place of entertainment is involved:
  - (i) For the operation of any types of food business, relevant food licences or permits 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.
- (b) No FEHD's facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding.
- (c) For any waste generated from such activity/operation, the applicant should arrange its disposal properly at her own expenses.

**Detailed comment of CE/MN, DSD**

He has the following comments on the submitted drainage proposal:

- (a) It is noted that the proposed works to be carried out would modify the topography of the Site. Details of intercepting drains to show how the overland flow can be intercepted should be provided.
- (b) Details of drainage facilities to be provided other than the nature streams within the concerned lots for comments should be provided. For the drainage facilities to be provided, calculations to justify its dimension should also be provided.
- (c) The proposal should indicate how the runoff (the flow direction) within the Site would be discharged.
- (d) The existing drainage facilities, to which the stormwater of the development from the Site would discharge, should be indicated on plan. The relevant details should be provided for comment.

- (e) The existing drainage facilities, to which the stormwater of the development from the Site would discharge, are not maintained by his office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposal works. In the case that it is a local village drains, DO/YL should be consulted.
- (f) The applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the development.
- (g) The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan;
- (h) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (i) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.

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/use under application. It does not condone any other development/use which are not covered by the application;
- (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 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. No permission is given for occupation of Government Land (GL) (about 233m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. The Site is accessible to Kam Ho Road via 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 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. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a direct grant STT for use of the Site. 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;
- (e) 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" issued by DEP to minimize any potential environmental nuisance. Adequate supporting infrastructure including waste / wastewater collection and disposal facilities should be provided for the proper collection, treatment and disposal of waste / wastewater generated from the applied use. If septic tank and soakaway system will be used, its design and construction shall follow the requirements of Environmental Protection Department's Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department";
- (f) note DFEH's comments that a proper licence/permit issued by FEHD is required if food business or related place of entertainment is involved;

- i. For the operation of any types of food business, relevant food licences or permits 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.

No FEHD's facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from such activity/operation, the applicant should arrange its disposal properly at her own expenses;

(g) note CE/MN, DSD's comments on the submitted drainage proposal:

- i. It is noted that the proposed works to be carried out would modify the topography of the Site. Details of intercepting drains to show how the overland flow can be intercepted should be provided.
- ii. Details of drainage facilities to be provided other than the nature streams within the concerned lots for comments should be provided. For the drainage facilities to be provided, calculations to justify its dimension should also be provided.
- iii. The proposal should indicate how the runoff (the flow direction) within the Site would be discharged.
- iv. The existing drainage facilities, to which the stormwater of the development from the Site would discharge, should be indicated on plan. The relevant details should be provided for comment.
- v. The existing drainage facilities, to which the stormwater of the development from the Site would discharge, are not maintained by his office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposal works. In the case that it is a local village drains, DO/YL should be consulted.
- vi. The applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the development.
- vii. The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan;

- viii. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- ix. The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (h) note CBS/NTW, BD's comments that if the existing structures are erected on leased land without approval of his department (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the 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. 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 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (i) note D of FS's comment that for the submitted FSIs proposal, the applicant has to clarify whether there is access for emergency vehicles being provided to reach 30 m travel distance from all the enclosed structure(s). The applicant is advised to submit revised relevant layout plans incorporated with the proposed fire service installations (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 (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

