

Previous Application Covering the Application Site

Approved Application

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Approval Conditions
1.	A/YL-KTS/810	Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	4.1.2019 [revoked on 5.4.2020]	(a) to (g)

Approval Conditions

- (a) Restriction on operation hours
- (b) Submission and implementation of drainage proposal and maintenance of drainage facilities
- (c) Submission and implementation of fire service installations (FSIs) proposal
- (d) No public announcement system, portable loudspeaker or any form of audio amplification system is allowed
- (e) the existing trees within the site shall be maintained
- (f) If the planning conditions are not complied with during planning approval or by a specified date, the approval shall cease to have effect and be revoked
- (g) Reinstatement of the site to an amenity area upon expiry of the planning permission



Similar Applications within the Same “AGR” Zone on the  
 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), (b), (c), (d), (e), (h)
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 (f), (h)
3.	A/YL-KTS/784	Temporary place of recreational, sports or culture (hobby farm) for a period of 3 years	15.6.2018	(a) to (g)
4.	A/YL-KTS/814	Proposed temporary place of recreation, sports or culture (hobby farm) for a period of 5 years	8.3.2019	(a) to (f)
5.	A/YL-KTS/857	Place of Recreation, Sport or Culture (Hobby Farm) for a Period of 5 Years and Filling of Land	9.10.2020	(a), (c), (d), (e), (f), (i), (j)

Approval Conditions

- (a) Restriction on operation hours
- (b) Submission and implementation of drainage proposal and/or maintenance of drainage facilities
- (c) Submission and implementation of fire service installations (FSIs) proposal
- (d) 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
- (e) Reinstatement of the site to an amenity area upon expiry of the planning permission
- (f) No public announcement system, portable loudspeaker or audio amplification system is allowed to be used on the Site during the planning approval period
- (g) Maintenance of landscape planting within the Site during the planning approval period
- (h) Submission and implementation of landscape and tree preservation proposal
- (i) Existing drainage facilities on site shall be maintained at all times during the planning approval period
- (j) Submission of record of existing drainage facilities

### Rejected Applications

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Rejection Reasons
1.	A/YL-KTS/576	Proposed temporary place for hobby farm, ecological cycling tour and barbecue spot for a period of 3 years	21.6.2013	(a) to (c)
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	(b), (c), (d)

### Rejection Reasons

- (a) there was no detailed information provided on the design and operation of the development involving site formation and vegetation clearance for hobby farm, ecological cycling tour and barbecue spot
- (b) the applicant failed to demonstrate that the development would not generate adverse environmental, drainage and/or landscape impacts on the surrounding areas
- (c) approving the application would set an undesirable precedent for similar applications within the "Agriculture" zone, and the cumulative effect of which would result in a general degradation of the rural environment and landscape quality of the area.
- (d) the proposed development is not in line with the planning intention of the "AGR" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis

Appendix V of  
RNTPC Paper No. A/YL-KTS/871

Advisory Clauses

- (a) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (b) note DLO/YL, LandsD's comments that the Site comprises Government Land (GL) and 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 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 lots owners 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 applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Furthermore, the applicant has to exclude the GL portion from the Site or apply to his office for a Short Term Tenancy to occupy the GL. Applications for any of the above will be considered by LandsD acting in the capacity as the 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 rent or fee, as may be imposed by the LandsD;
- (c) note DAFC's comments that there is a watercourse immediately along the western boundary of the Site. The applicant shall be reminded to adopt necessary measures to avoid polluting the watercourse from the applied use during the operation;
- (d) note DEP's comments that the applicant is advised (i) 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; (ii) to provide adequate supporting infrastructure / facilities for proper collection, treatment and disposal of waste / wastewater generated from the applied use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall 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" including percolation test; and (iii) it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances;
- (e) note CTP/UD&L, PlanD's comments that approval of the planning application under Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the Lease. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate;
- (f) note CE/MN, DSD's comments that applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or

nuisance caused by a failure of the drainage system. The development would neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas;

- (g) note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BA, they are unauthorized building works (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 the prevailing 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, demolition and land filling, etc.), are to be carried out on Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person 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 Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R. Detailed checking under the BO will be carried out at the building plan submission stage; and
- (h) note D of FS's comment that applicant is reminded that the installation /maintenance/ modification/ repair work of FSI shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him. 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.