

RNTPC Paper No. A/YL-KTN/649  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 3.5.2019

APPLICATION FOR PERMISSION  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/649

- Applicant : Loi Loi Leisure Farm Limited represented by R-riches Property Consultants Limited
- Site : Lots 1750A4 RP (Part), 1750A5 RP and 1750A6 RP (Part) in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long
- Site Area : About 9,843 m<sup>2</sup>
- Lease : New Grant for agricultural purpose
- Plan : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
- Zoning : "Agriculture" ("AGR")
- Application : Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary place of recreation, sports or culture (hobby farm) for a period of 5 years. According to the Notes of the OZP, 'Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)' is a Column 2 use within the "AGR" zone, which requires permission from the Town Planning Board (the Board). The Site is currently fenced-off and vacant (Plans A-2 to 4b).
- 1.2 The Site is subject to a previous application (No. A/YL-KTN/394) for proposed temporary field study/education centre and hobby farm for a period of 5 years which was rejected by the Town Planning Board on review on 14.6.2013.
- 1.3 According to the applicant, the proposed development involves 11 one-storey temporary structures (about 3m high) with a total floor area of about 2,268m<sup>2</sup> for farmer resting rooms, agriculture education rooms, refreshment kiosk, children

play room, reception, storage of farm tool and rain shelter for fishing. An artificial pond for prawn fishing will be provided on-site. The farming area is 5,265m<sup>2</sup> (i.e. about 53% of the total site area) and the remaining area of the Site will be soil ground. The operation hours are from 10am to 5pm daily including public holidays. The Site can be accessed via a local track from Chi Ho Road. There will be 5 private car parking spaces, 1 loading/unloading space for light goods vehicle and 1 loading/unloading space for mini bus provided within the Site. No vehicle exceeding 5.5 tonnes will be allowed to enter the Site. The maximum number of visitors is 15 on Monday to Fridays and 30 on Saturdays, Sundays and public holidays. 5 staffs will work at the Site. Visitors are required to make appointment and pay entrance fee to use the facilities in the Site. No audio amplification system will be installed and septic tanks will be used at the Site. The plans showing the access and site layout submitted by the applicant are at Drawings A-1 to A-2.

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application form with supplementary statement and (Appendix I) plans received on 13.3.2019
- (b) Further Information (FI) received on 25.4.2019 (Appendix Ia) providing responses to departmental comments

## 2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supplementary statement and FI in Appendices I to Ia. They can be summarized as follows:

- (a) The proposed development will be an educational hobby farm with guided tours about agricultural and farming knowledge provided to the visitors. There will be more than one tour at the same time so there are more than one agriculture education room in the Site. The younger visitors will play in the children play room. The proposed development is temporary in nature and would not jeopardize the long-term planning intention of "AGR" zone.
- (b) The car parking spaces are for staffs and visitors. Visitors who drive to the Site will have to make prior appointment for parking spaces to minimize traffic impact.
- (c) The operator of the farm will provide farm tools to the visitors. Soil farming will be carried out at the farm area and the type of crop to be grown includes vegetables and fruits.

- (d) Relevant licence will be applied for the proposed septic tank at the Site. Proper fire services installations, landscape and drainage proposals will be submitted and implemented to fulfil relevant approval conditions upon the approval of the application.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not a "current land owner" but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notification letter to the Kam Tin Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is not subject to any active enforcement action. Part of the Site was subject to previous planning enforcement action against unauthorized filling of land. Enforcement Notice (EN) was issued to the concerned parties on 26.10.2012 requiring discontinuance of relevant operation. The unauthorized development had been discontinued upon expiry of the EN. Reinstatement Notice (RN) was issued to the concerned parties on 6.2.2013 requiring reinstatement of the concerned land by removing debris, stones and gravels on land, and to grass the land. The RN was complied with and Compliance Notices for EN and RN were issued on 6.9.2013 and 10.9.2013 respectively.

5. Previous Application

The Site is subject to a previous application (No. A/YL-KTN/394) for proposed temporary field study/education centre and hobby farm for a period of 5 years. The application was rejected by the Board on review on 14.6.2013 mainly on the grounds that the site was the subject of unauthorized land filling and the filling material were not suitable for cultivation; there was no detailed information regarding the design and operation of the proposed development particularly the hobby farm, field study/education centre and the office with porch; the applicant failed to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas; and approving the application would set an undesirable precedent. Details of the previous application are summarized in Appendix II and the location of the application site is shown on Plan A-1.

6. Similar Applications

- 6.1 There are 17 similar applications (No. A/YL-KTN/465, 474, 513, 516, 520, 535, 536, 538, 571, 579, 609, 610, 615, 620, 626, 630 and 636) within the same "AGR" zone on the Kam Tin North OZP. All the applications were approved with

conditions by the Rural and New Town Planning Committee (the Committee) between 2015 and 2019. Details of the applications are summarized in Appendix III and the locations of the application sites are shown on Plan A-1.

- 6.2 5 applications (No. A/YL-KTN/465, 516, 535, 538 and 571 for temporary hobby farm (A/YL-KTN/535 included caravan holiday camp)) for a period of 3 years for five sites near Cheung Kong Tsuen and Tai Kong Po were approved between 2015 and 2017 mainly for the reasons that the proposed developments were generally in line with the planning intention of the "AGR" zone; not incompatible with the surrounding land uses; and the proposed developments would unlikely cause significant adverse environmental, traffic, landscape or drainage impacts.
- 6.3 12 applications (No. A/YL-KTN/474, 513, 520, 536, 579, 609, 610, 615, 620, 626, 630 and 636 for temporary hobby farm (A/YL-KTN/520 and 536 included caravan holiday camp)) for a period of 3 years for 11 sites at Fung Kat Heung and near Pak Wai Tsuen were approved between 2015 and 2019 on similar reasons as stated in paragraph 6.2 above.
- 6.4 Planning permission of applications No. A/YL-KTN/465, 474, 513, 516, 535, 538 and 609 were revoked on 3.4.2016, 7.8.2016, 18.2.2018, 18.12.2016, 23.9.2017, 13.12.2018 and 3.2.2019 due to non-compliance with approval conditions in relation to submission and/or implementation on landscape, drainage and fire services installation proposals.

## 7. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

### 7.1 The Site is:

- (a) currently fenced-off and vacant; and
- (b) accessible via a local track from Chi Ho Road (Plan A-1).

### 7.2 The surrounding areas are rural in character predominated by cultivated/fallow agricultural land, storage and open storage yards, plant nursery and vacant/unused land:

- (a) to its north across a nullah are cultivated/fallow agricultural land and storage of containers;
- (b) to its immediate east is a proposed hobby farm with planning approval (No. A/YL-KTN/610) granted on 3.8.2018;
- (c) to its south are storage yard, plant nursery and unused land; and
- (d) to its west across a local track is an area zoned "Comprehensive Development Area (1)" which is subject to an application for comprehensive residential development (No. A/YL-KTN/604) approved

on 22.3.2019 and is currently occupied by an open storage yard and vacant/unused land.

8. Planning Intention

The planning intention of the "AGR" zone is primarily 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.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer, Yuen Long, Lands Department (DLO/YL, LandsD):

(a) The Site comprises various private lots held under New Grant for agricultural purpose. Details of which are listed below:

Lot(s) No(s). in D.D. 107	New Grant No.
1750A4 RP	YL554
1750A5 RP	YL555
1750A6 RP	YL557

(b) The Site is accessible from Chi Ho 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.

(c) 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.

(d) Should planning approval be given to the application, 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 LandsD.

### Traffic

#### 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment on the application from traffic engineering perspective.
- (b) Should the application be approved, the approval condition on no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department (TD). 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.

#### 9.1.3 Comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD):

- (a) HyD does not and will not maintain any access connecting the Site and Chi Ho Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### Environment

#### 9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) Provided that the applicant would minimize any noise from the proposed use such as prohibiting the use of public announcement system, portable loudspeakers or any form of audio amplification system so that it would not cause any environmental nuisance to nearby sensitive receivers, he has no objection to the application from environmental planning perspective. 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.

- (b) 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 ponds 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 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".
- (c) Vegetation clearance and site formation/ land filling works were observed at the Site. No environmental complaint at the Site was received in the past 3 years.

#### Agriculture

##### 9.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) The Site possesses potential for agricultural rehabilitation. On the understanding that agricultural activities are involved in the proposed use and no pavement is proposed, he has no strong view on the application from agricultural point of view.
- (b) As the drainage channel adjacent to the Site supports some wetland-dependent birds, should the application be approved, the applicant is advised to adopt necessary measures to avoid disturbance and pollution to the drainage channel.

#### Landscape

##### 9.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) He has some reservations to the application from landscape planning perspective.
- (b) The Site is subject to a previously rejected application (No. A/YL-KTN/394) which she had some reservation.
- (c) According to the aerial photos of 2015 and 2013, large portion of the Site was covered by vegetation. Based on the latest aerial photo of 2018, the Site became a vacant land and vegetation clearance was made. The surrounding area of the Site is

comprised on ponds, farmland, open storage yards, village house and scattered tree groups. The proposed use is considered not incompatible with existing landscape setting.

- (d) Based on the site visit conducted on 1.4.2019, the Site was fenced off and some filling materials on-site comprising sand, stones and debris were found. No existing trees were observed within the Site. Though no further landscape impact is anticipated, approving the application would set an undesirable precedent for similar site modification within the "AGR" zone prior to approval, the cumulative effect of which would result in a general degradation of the agriculture land and rural environmental of the area.
- (e) In consideration that there is inadequate space for meaningful landscape and the proposed use will unlikely cause adverse visual impact, it is considered not necessary to impose landscape condition should the application be approved.

#### Drainage

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

- (a) He has no objection in principle to the development from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the submission and implementation of a drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included in the planning permission.

#### Building Matters

9.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (b) 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.

- (c) 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 UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (d) 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.
- (e) 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.

#### Fire Safety

9.1.9 Comments of the Director of Fire Services (D of FS):

- (a) He has no in-principle objection to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) 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.
- (c) 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.

#### Food and Environmental Hygiene

9.1.10 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) If any Food and Environmental Hygiene Department (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.

- (b) Proper licence and/or permit issued by his department is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and its subsidiary legislation and the operation of any business should not cause any obstruction.
- (c) 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.

#### District Officer's Comments

9.1.11 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received comment from the locals on the application and has no comment on the application.

9.2 The following Government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (d) Commissioner of Police (C of P).

#### 10. Public Comments Received During Statutory Publication Period

On 22.3.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 12.4.2019, four objecting comments from The Hong Kong Bird Watching Society, World Wide Fund Hong Kong, Designing Hong Kong and an individual (Appendix IV-1 to 4) were received. The commenters object to the application mainly on the grounds that the proposed development is not in line with the planning intention of "AGR" zone; the Site is subject to a previous rejected application and involved vegetation clearance, filling of land and open storage; approval of the application would set an undesirable precedent and promote 'destroy first, build later'; causing adverse impacts on drainage, soil and water and lead to land degradation; septic tank would have adverse ecological impacts on

the nearby watercourse; there is already a large-scaled hobby farm near the Site; the road capacity cannot support the heavy traffic during weekend; and the proposed development would cause inconvenience to the nearby residents.

## 11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary hobby farm in "AGR" zone. According to the applicant, about 53% of the Site will be farming area and the remaining area will be soil ground. The proposed use is considered generally in line with the planning intention of the "AGR" zone which is to retain and safeguard good quality agricultural land for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. AFCD has no strong view on the application from agricultural point of view. In view of the above, it is considered that approval of the application on a temporary basis for a period of 5 years would not frustrate the long-term planning intention of the "AGR" zone.
- 11.2 The proposed temporary hobby farm is considered not incompatible with the surrounding land uses which are rural in character predominated by cultivated/fallow agricultural land, storage/open storage yards and unused/vacant land.
- 11.3 According to the applicant, it is estimated that a maximum of 30 visitors will be accommodated at the Site and no audio amplification system will be used. In view of the nature and scale of the proposed hobby farm, it would unlikely cause significant adverse traffic, landscape, environmental or drainage impacts and relevant departments consulted including C for T, DEP and CE/MN of DSD have no adverse comment on the application. CTP/UD&L of PlanD has some reservations to the application as approval of the application would set an undesirable precedent for similar site modification within the "AGR" zone prior to approval, the cumulative effect of which would result in a general degradation of the agricultural land and rural environment of the area. Nevertheless, she considers that the proposed development is not incompatible with the existing landscape setting and no further landscape impact is anticipated. To minimise any possible environmental nuisance, approval conditions restricting the operation hour, vehicle type and prohibiting the use of public announcement system are recommended in paragraph 12.2(a) and (c) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on-site will be subject to enforcement action by the Planning Authority. The applicant will also be advised to adopt the environmental mitigation measures as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites". The concerns/ technical requirements of C for T, CE/MN of DSD and D of FS could be addressed by appropriate approval conditions in paragraph 12.2 (d) to (h) below.

11.4 The Site is the subject of a previous application for proposed temporary field study/education centre and hobby farm for a period of 5 years (No. A/YL-KTN/394) submitted by a different applicant which was rejected on review by the Board on 14.6.2013 mainly on the grounds that the site was subject to unauthorized land filling and the filling materials were not suitable for cultivation; no detailed information on the design and operation of the proposed development; failed to demonstrate that the development would not generate adverse landscape and drainage impacts; and setting undesirable precedent. In this regard, it is noted that reinstatement works for the unauthorized land filling at the Site (including removing the debris and grassing the land) had been carried out and Compliance Notices were issued in September 2013 (paragraph 4 above). Also, the applicant provided in the current application the operation details of the proposed hobby farm including the operation mode, activities to be carried out, number of visitors, etc. It is considered that the current application is subject to different circumstance when compared with the previous rejected application. Besides, since the rejection of the previous application in 2013, 17 similar applications for temporary hobby farm were approved with conditions by the Committee between 2015 and 2019 for a period of 3 years on the same "AGR" zone (paragraph 6 and Plan A-1 refer).

11.5 Four objecting comments were received during the statutory publication period mainly on the grounds that the proposed development is not in line with the planning intention of "AGR" zone and it would cause adverse environmental, drainage and ecological impacts. In this regard, temporary approval would not frustrate the long-term planning intention. Concerned departments including DAFC, CE/MN of DSD and DEP have no adverse comment on the application. The planning considerations and assessments as stated above are also relevant.

## 12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 and having taking into account the public comments in paragraph 10, PlanD has no objection to the proposed temporary place of recreation, sports or culture (hobby farm) for a period of 5 years.

12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 5 years until 3.5.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no operation between 5:00pm and 10:00am, as proposed by the applicant, is allowed on the Site during the planning approval period;

- (b) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 3.11.2019;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 3.2.2020;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 3.11.2019;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 3.2.2020;
- (i) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are attached at Appendix V.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of the "AGR" zone which is to retain and safeguard good agricultural land/ farm/ fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

### 13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

### 14. Attachments

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|--------------------|--|
| Appendix I         | Application form with supplementary statement received on 13.3.2019      |
| Appendix Ia        | FI received on 25.4.2019 providing responses to departmental comments    |
| Appendix II        | Previous s.16 application covering the Site                              |
| Appendix III       | Similar applications within the same "AGR" zone on the Kam Tin North OZP |
| Appendix IV-1 to 4 | Public comments received during statutory publication period             |
| Appendix V         | Advisory clauses   |
| Drawing A-1        | Vehicular Access Plan  |

Drawing A-2	Layout Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a to 4b	Site Photos

PLANNING DEPARTMENT  
MAY 2019

Advisory Clauses

- (a) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises various private lots held under New Grant for agricultural purpose. The Site is accessible from Chi Ho 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 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;
- (c) 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 TD. 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;
- (d) note CHE/NTW, HyD's comments that HyD does not and will not maintain any access connecting the Site and Chi Ho Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (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" 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 ponds 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 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";

- (f) note DAFC's comments that as the drainage channel adjacent to the Site supports some wetland-dependent birds, the applicant is advised to adopt necessary measures to avoid disturbance and pollution to the drainage channel;
- (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 BD, 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 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 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 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;
- (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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (i) note DFEH's comments that if any Food and Environmental Hygiene Department (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. Proper licence and/or permit issued by his department is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and its subsidiary legislation and the operation of any business should not cause any obstruction. 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.