

**Appendix II of RNTPC
Paper No. A/YL-KTN/670**

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/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) |
| 11 | 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) |

| | <u>Application No.</u> | <u>Proposed Use</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Approval Conditions</u> |
|----|------------------------|---|--|--|
| 12 | 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) |
| 13 | 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) |
| 14 | 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) |
| 15 | 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) |
| 16 | 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) |
| 17 | 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) |
| 18 | A/YL-KTN/665 | Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm and Caravan Holiday Camp) for a Period of 3 Years | 5.7.2019 | (1), (3), (4), (5), (6), (7), (8), (11) |

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) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) 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 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;
- (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 his 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;
- (d) 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 Fung Kat Heung Road;
- (e) 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. 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, 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 EPD";
- (f) 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. 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;

- (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 the 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 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;
- (h) 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. 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;
- (i) note CE/C, WSD's comments that existing waterworks reserve for existing raw water mains will be affected (**Plan A-2** of the RNTPC paper). No structure shall be erected over this waterworks reserve and such area shall not be used for storage of car-parking purpose. 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 construction, inspection, operation,

maintenance and repair works. All other services across, through or under the Waterworks Reserve are required to seek authorization from the Water Authority. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main. The developer shall bear the cost of any necessary diversion work affected by the proposed development. 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; and

- (j) note DEMS's comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

