

**Previous s.16 Application covering the Application Site**

**Approved Application**

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

**Approval Conditions**

- (1) No public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site
- (2) No vehicle is allowed to queue back to or reverse onto/from public roads
- (3) Submission and implementation of drainage facilities/ maintenance of drainage facilities
- (4) Submission and implementation of fire service installations proposal
- (5) Revocation of planning permission if planning conditions not complied with during the planning approval period/by the specified time limit
- (6) Upon expiry of the planning permission, the reinstatement of the Site to an amenity area
- (7) Submission and implementation of landscape proposal



**Appendix III of RNTPC  
Paper No. A/YL-KTN/693A**

**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/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)
8	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)
9	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)
10	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)
11	A/YL-KTN/610	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	3.8.2018 [revoked on 3.2.2020]	(1), (2), (3), (4), (5), (6), (7), (8)
12	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)

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
13	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)
14	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)
15	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)
16	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)
17	A/YL-KTN/649	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years	16.8.2019	(1), (2), (3), (4), (5), (6), (7), (8)
18	A/YL-KTN/660	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	4.10.2019	(1), (3), (4), (5), (6), (7), (11)
19	A/YL-KTN/665	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm and Caravan Holiday Camp) for a Period of 5 Years	5.7.2019	(1), (3), (4), (5), (6), (7), (8), (11)
20	A/YL-KTN/666	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	4.10.2019	(1), (3), (4), (5), (6), (7), (11)
21	A/YL-KTN/670	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years	16.8.2019	(1), (3), (4), (5), (6), (7), (11)
22	A/YL-KTN/690	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	17.1.2020	(1), (3), (4), (5), (6), (7)
23	A/YL-KTN/691	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years and Filling of Land	17.1.2020	(1), (3), (4), (5), (6), (7),
24	A/YL-KTN/697	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	24.4.2020	(1), (3), (4), (5), (6), (7), (12)

**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/maintenance of drainage facilities
- (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
- (12) Existing trees on the Site shall be maintained in healthy condition

**Rejected Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reason (s)</u></b>
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)

**Rejection Reasons**

- (1) the site was the subject of unauthorized land filling. The filling materials on-site comprising sand, stones, debris and construction waste were not suitable for cultivation. There was 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.
- (2) the applicant failed to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas
- (3) approving the application would set an undesirable precedent for similar applications within the "AGR" zone, and the cumulative effect of which would result in a general degradation of the rural environment of the area

**Advisory Clauses**

- (a) 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. The STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. 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(s) 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;
- (b) note C for T's comments that the Site is connected to the public road network via a section of 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;
- (c) note CHE/NTW, HyD's comments that his department is not/ shall not be responsible for the maintenance for any access connecting the Site and Chi Ho Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains;
- (d) 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 in case of unavailability of public sewer, its design and construction should follow the requirement of Environmental Protection Department's Practice Note for Professional Persons (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department";
- (e) note CE/MN of DSD's comments that drainage proposal required under relevant approval condition should illustrate the drainage characteristics in the area to justify that the land filling would not create adverse drainage impact to the surrounding area;
- (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. The applicant is reminded that if the proposed structure(s) is required to comply

with the Buildings Ordinance (BO) (Cap. 123) or licence is required under the Hotel and Guesthouse Accommodation Ordinance (HAGAO), Cap. 349, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively;

- (g) note CBS/NTW, BD's comments that before any new building works (including containers/open sheds as temporary building, demolition and land filling) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person 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 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. 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 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. If the proposed use under application is subject to issue of a license, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (h) note DFEH's comments that for any waste generated from the such activities or operations, the applicant should arrange disposal properly at her own expenses. Such work and operation should not cause any environmental nuisance, pest infestation and obstruction to the surrounding. Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public; and
- (i) note Chief Officer (Licensing Authority), HAD's comments that for the proposed temporary caravan holiday camp with provision of short-term sleeping accommodation at a fee, a guesthouse licence under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (the "HAGAO") must be obtained before operation. The applicant is strongly advised to observe the "General Licensing Conditions for Caravan Camp Site providing short-term sleeping accommodation" and "A Guide to Licence Applications for Guesthouse (Holiday Camp) – Caravan Camp Site under the Hotel and Guesthouse Accommodation Ordinance (Cap.349)" (the "Guide") available in the website of the OLA. Particular attention is drawn to the requirement of site location and provision of the unobstructed spaces of minimum 5m wide at any sides of a caravan and its annex, extension or attachment as set out in the Guide. It is also noted such unobstructed spaces have not been included into the caravan camp site areas. Detailed licensing requirements will be formulated upon receipt of application under the HAGAO.