

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)
4.	A/YL-KTS/810	Temporary Place of Recreational, Sports or Culture (Hobby Farm) for a Period of 3 Years	4.1.2019	(a), (c) to (h)

Approval Conditions

- (a) Restriction on operation hours
- (b) Submission and/or implementation of landscape and tree preservation proposal
- (c) Submission and/or implementation of drainage proposal and/or maintenance of drainage facilities
- (d) Submission and/or implementation of fire service installations (FSIs) proposal
- (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

Appendix IV of
RNTPC Paper No. A/YL-KTS/814

Advisory Clauses

- (a) 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;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) 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 Site is accessible to Kam Ho Road via GL and private land. 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;
- (d) note CHE/NTW, HyD's comment that his department does not and will not maintain any access connecting the Site and Kam Ho Road. The applicant should be responsible for his own access arrangement. 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" issued by DEP to minimize 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 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 no Food and Environmental Hygiene Department's (FEHD) 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 the such activity/operation, the applicant should arrange disposal properly at her own expenses. Proper licence / 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 other relevant legislation for the public. Under the Food Business Regulation, Cap. 132X, a food business licence is required for the operation of the relevant type of food business listed in the Regulation. According to the given information, the proposed hobby farm itself is not a food business stipulated in Cap.132X. Hence, a mere hobby farm without any food business mentioned in Cap.132X involved does not require a food business licence from FEHD;

- (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 Buildings Ordinance (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 comment 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 CE/C of WSD's comment that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.