

**Similar Applications for ‘Place of Recreation, Sports or Culture’ use
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/150	Temporary barbecue spots with structures for a period of 3 years	23.8.2002	(3), (5), (6)
2	A/YL-KTN/235	Temporary barbecue spots with structures for a period of 3 years	26.8.2005	(3), (5), (6)
3	A/YL-KTN/273*	Temporary Place of Recreation (including Barbecue Spot and Picnic Area) for a period of 3 years	22.6.2007	(1), (2), (3), (5), (6), (7), (11), (12)
4	A/YL-KTN/329*	Renewal of Planning Approval for Temporary “Place of Recreation (including Barbecue Spot and Picnic Area)” under Application No. A/YL-KTN/273 for a Period of 3 Years	19.6.2009	(1), (2), (3), (5), (6), (7), (11), (12)
5	A/YL-KTN/383*	Renewal of Planning Approval for Temporary “Place of Recreation (including Barbecue Spot and Picnic Area)” under Application No. A/YL-KTN/329 for a Period of 3 Years	1.6.2012	(1), (2), (3), (4), (5), (6), (7), (11), (12)
6	A/YL-KTN/495*	Temporary Place of Recreation, Sports or Culture (including Barbecue Spot, Picnic Area, Children Playground and Handicraft Making Area with Ancillary Facilities) for a Period of 3 Years	10.6.2016	(1), (2), (3), (4), (5), (6), (7), (11)
7	A/YL-KTN/465	Proposed Temporary Hobby Farm for a Period of 3 Years	3.7.2015	(1), (2), (3), (4), (5), (6)
8	A/YL-KTN/474	Proposed Temporary Hobby Farm for a Period of 3 Years	7.8.2015	(1), (2), (3), (4), (5), (6), (10)
9	A/YL-KTN/513	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	18.3.2016	(1), (2), (3), (4), (5), (6)
10	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)
11	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)

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12	A/YL-KTN/538	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	23.12.2016	(1), (2), (3), (4), (5), (6), (7), (8), (9)
13	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	(1), (2), (3), (4), (5), (6), (7),
14	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)
15	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)
16	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)

**The application site straddled "Village Type Development" and "AGR" zones.*

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 /maintenance of existing trees and landscape plantings
- (3) Submission and implementation of drainage proposal / submission of drainage record
- (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) No pond filling or paving of the site
- (12) A right-of-way should be maintained to the occupiers of the Small House site in the middle of the site and the nearby residents

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason (s)</u>
1	A/YL-KTN/178^	Temporary war game centre for a period of 3 years	29.8.2003	(2), (3), (4), (5), (6)
2	A/YL-KTN/223^	Temporary Outward Bound Training Centre for a Period of 3 Years	23.1.2007 [appeal dismissed]	(2), (3), (4), (5), (6)
3	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)
4	A/YL-KTN/418	Proposed Temporary Barbecue Area with Ancillary Car Park and Meeting Point for a Period of 3 Years	8.11.2013	(3), (4), (5)

^The application site straddled "Conservation Area" ("CA") and "AGR" zones.

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
- (5) the development was not in line with the planning intention of both the "CA" zone which was to retain the existing natural characteristics of the area and the "AGR" zone which was to retain and safeguard good agricultural land for agricultural purposes. No strong justification had been given in the submission for a departure from the planning intention even on a temporary basis;
- (6) the development was not compatible with the surrounding rural character

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) resolve any land issues relating to the development with the concerned owner of the site;
- (c) note DLO/YL, LandsD's comments that the Site comprises an Old Scheduled Agricultural Lot 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 Kong Tai Road via Government Land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures 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. Such application will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application 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 LandsD;
- (d) note C for T's comments that Site is connected to the public road network via a section of a local access road which is not managed by Transport 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;
- (e) note CHE/NTW, HyD's comments that HyD is not / shall not be responsible for the maintenance of Kong Tai Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) note DEP's comments that the applicant is advised to follow relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Open Storage and Temporary Uses" to minimize any potential environmental nuisances. The applicant is also reminded that effluent discharges from the applied use are subject to control under the Water Pollution Control Ordinance (WPCO). A discharge licence under the WPCO shall be obtained before a new discharge is commenced. It is the obligation of the applicant to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures;
- (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 use under the application. Before any

new building works (including containers/ open sheds as temporary buildings) are to be carried out on the Site, the 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. 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. 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 FSIs to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (i) note CE/C, WSD's comments 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.