

**Appendix II of
RNTPC Paper No. A/YL-KTS/857**

Previous Applications Covering the Application Site

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	Proposed temporary place of recreational, sports or culture (hobby farm) for a period of 3 years	6.4.2018	(a) to (g)

Approval Conditions

- (a) Restriction on operation hours
- (b) Submission and implementation of landscape and tree preservation proposal
- (c) Submission and implementation of drainage proposal and/or maintenance of drainage facilities
- (d) Submission and 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
- (f) Reinstatement of the site to an amenity area upon expiry of the planning permission
- (g) No public announcement system, portable loudspeaker or any form of audio amplification system is allowed

Rejected Application

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Rejection Reasons
1.	A/YL-KTS/697	Proposed temporary place of recreation, sports or culture (including barbecue spot 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, even on a temporary basis
- (c) The applicant failed to demonstrate that the proposed development would not generate

adverse environmental 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

**Similar Applications within the Same “AGR” Zone on the
Kam Tin South Outline Zoning Plan**

Approved Applications

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Approval Conditions
1.	A/YL-KTS/784	Temporary place of recreational, sports or culture (hobby farm) for a period of 3 years	15.6.2018	(a) to (g)
2.	A/YL-KTS/810	Temporary place of recreational, sports or culture (hobby farm) for a period of 3 years	4.1.2019 [revoked on 5.4.2020]	(a) to (g)
3.	A/YL-KTS/814	Proposed temporary place of recreation, sports or culture (hobby farm) for a period of 5 years	8.3.2019	(a) to (f)

Approval Conditions

- (a) Restriction on operation hours
- (b) Submission and implementation of drainage proposal and/or maintenance of drainage facilities
- (c) Submission and implementation of fire service installations (FSIs) proposal
- (d) 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
- (e) Reinstatement of the site to an amenity area upon expiry of the planning permission
- (f) No public announcement system, portable loudspeaker or audio amplification system is allowed to be used on the Site during the planning approval period
- (g) Maintenance of landscape planting within the Site

Rejected Application

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Rejection Reasons
1.	A/YL-KTS/576	Proposed temporary place for hobby farm, ecological cycling tour and barbecue spot for a period of 3 years	21.6.2013	(a) to (e)

Rejection Reasons

- (a) there was no detailed information provided on the design and operation of the development involving site formation and vegetation clearance for hobby farm, ecological cycling tour and barbecue spot
- (b) the applicant failed to demonstrate that the development would not generate adverse environmental, drainage and landscape impacts on the surrounding areas
- (c) approving the application would set an undesirable precedent for similar applications within the "Agriculture" zone, and the cumulative effect of which would result in a general degradation of the rural environment and landscape quality 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. The owner(s) of the lot(s) without STW 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 applied 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 DAFC's comments that the applicant is advised to avoid affecting the watercourse to the south of the Site and its riparian vegetation;
- (c) note DEP's comment 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. The applicant is reminded that the land should not be filled with construction waste and it is the applicant's responsibility to comply with all relevant environmental legislations during construction and operation of the project. The applicant is also advised to follow the Recommended Pollution Control Clauses for Construction Contracts to minimize the environmental impacts during the construction stage;
- (d) note D of FS's comments that the applicant is advised that the installation/ maintenance/ modification/ repair work of fire service installation (FSI) shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS251) and forward a copy of the certificate to him;
- (e) note CTP/UD&L, PlanD's comments that the applicant is reminded that approval of the application under the Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the Lease. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate;
- (f) note DFEH's comments that for any waste generated from such activities or operations, the applicant should arrange disposal properly at her own expenses. Such work and operation shall 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

- (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 demolition and filling of land, etc.) 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 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. Detailed comments under the BO will be provided at building plan submission stage.