

**Similar s.16 Applications  
within the same “AGR” Zone  
on the Shek Kong Outline Zoning Plan (OZP)**

**Approved Applications**

	<b>Application No.</b>	<b>Use(s)/Development(s)</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
1	A/YL-SK/235	Proposed Temporary Place of Recreational, Sports or Culture (Hobby Farm) for a Period of 3 Years	4.5.2018  [Revoked on 4.8.2020]	A1 – A10
2	A/YL-SK/241	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	21.12.2018	A1 – A10
3	A/YL-SK/244	Proposed Temporary Place of Recreational, Sports or Culture (Hobby Farm) for a Period of 3 Years	7.12.2018	A1 – A15

**Approval Conditions:**

- A1. No operation between 6:00 p.m. and 9:00 a.m. is allowed.
- A2. No public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the Site.
- A3. The submission of tree preservation/landscape proposal.
- A4. The implementation of tree preservation/landscape proposal.
- A5. The submission of drainage proposal.
- A6. The implementation of drainage proposal.
- A7. The implemented drainage facilities on the Site shall be maintained at all times.
- A8. The submission of proposal for fire service installations and water supplies for fire-fighting.
- A9. The implementation of proposal for fire service installations and water supplies for fire-fighting.
- A10. Upon the expiry of the planning permission, the reinstatement of the Site to an amenity area.

- A11. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site.
- A12. No vehicle is allowed to queue back to or reverse onto/from public road at any time.
- A13. The submission of a modification work proposal of the existing public footpath and associated street furniture at the proposed entrance of the Site.
- A14. The implementation of the modification work proposal of the existing public footpath and associated street furniture at the proposed entrance of the Site.
- A15. Upon the expiry of the planning permission, the reinstatement of the existing public footpath and associated street furniture at the proposed entrance of the Site, at the applicant's own cost.

**Advisory Clauses**

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
- (i) 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;
  - (ii) the Site is covered by the Letter of Approval No. MT/LM 16076 permitted for agricultural use; and
  - (iii) the lot owner(s) will need to apply to DLO/YL, LandsD to permit the structure(s) to be erected or regularise 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. 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(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 rent or fee, as may be imposed by LandsD.
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
- (i) HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Sheung Road; and
  - (ii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (c) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the planning 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.
- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant should:
- (i) follow the relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site” to minimise any potential environmental nuisance;
  - (ii) provide adequate supporting infrastructure/facilities 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 his department's Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" including percolation test;

- (iii) minimise any noise from the proposed use, and the use of public announcement systems, audio amplifier and loudspeakers shall be prohibited; and
  - (iv) be obligated to meet the statutory requirements under relevant pollution control ordinances, and provide necessary mitigation measures to prevent polluting the watercourse adjacent to the Site.
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) as there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the proposed use;
  - (ii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application;
  - (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the 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;
  - (iv) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO;
  - (v) 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;
  - (vi) the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage;
  - (vii) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R; and
  - (viii) detailed checking under the BO will be carried out at building plan submission stage.
- (f) to note the comments of the Director of Fire Services (D of FS) that:

- (i) in consideration of the design/nature of the proposal, fire service installations (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 where the proposed FSI to be installed should be clearly marked on the layout plans; and
- (ii) the applicant is reminded that if the proposed structure(s) is required to comply with BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

