

**Appendix II of RNTPC
Paper No. A/YL-KTN/657B**

**Applications for temporary war game centre and outward bound training centre in the same
"AGR" and "CA" zones on the Kam Tin North OZP**

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-KTN/178	Temporary war game centre for a period of 3 years	29.8.2003	(1), (2), (3), (4), (5)
2	A/YL-KTN/223	Temporary Outward Bound Training Centre for a Period of 3 Years	19.8.2005 (On review) 23.1.2007 (Appeal dismissed)	(1), (2), (3), (4), (5)

Rejection Reasons

- (1) the development was not in line with the planning intentions
- (2) the development was not compatible with the surrounding rural character
- (3) there was no detailed information on the boundary of war game activities/outward bound training centre
- (4) there was no information in the submission to demonstrate that the development would not generate adverse environmental/drainage/traffic impacts on the surrounding areas
- (5) approval of the application would set an undesirable precedent for other similar recreational uses to proliferate into the "CA" and "AGR" zones

Advisory Clauses

- (a) resolve any land issue relating to the development with other concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises Government Land (GL) and 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. No permission is given for occupation of GL (about 1,124m² subject to verification) included in the Site. The applicant's attention is drawn to the fact that any occupation of GL without Government's prior approval is not allowed. The Site is accessible from Fung Kat Heung 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 Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA. The lot(s) owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularity 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. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a direct grant Short Term Tenancy for use of the Site. Application for any of the above will be considered by the LandsD acting in the capacity as the 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;
- (c) note DAFC's comments that appropriate measures should be adopted to avoid causing disturbance or pollution to the adjacent "CA" zone. Trees on GL within or adjacent to the Site should also be preserved. In addition, the applicant should also adopt necessary measures to avoid causing pollution or disturbance to the stream nearby;
- (d) note DEP's comments that the applicant is reminded that effluent discharges from the proposed use are subject to control under the Water Pollution Control Ordinance. It is the obligation of the applicant to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures to prevent polluting the watercourse adjacent to the Site. Given that the proposed use belong to uses under the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site" (the COP), the applicant is required to observe/follow the requirements stipulated in the COP;
- (e) note H(GEO), CEDD's comments that the Site is overlooked by steep natural terrain at the northern side and meets the alert criteria for a natural terrain hazard study (NTHS). Given the temporary nature of the proposed use, as an alternative to the study of natural terrain hazards and provision of hazard mitigation measures, the northern part of the Site maybe designated as a 'no-build' zone (**Plan A-2** of this RNTPC paper), within which no critical facilities (i.e. facilities under Group 1 to 3 in **Appendix III** of this RNTPC paper) should

be located. With the inclusion of the 'no-build' zone, the requirement for NTHS may be waived;

- (f) note C for T's comments that the Site is connected to the public road network via a section of a 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.
- (g) note CHE/NTW, HyD's comments that his department shall not be responsible for the maintenance of any access connecting the Site and San Tam Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains;
- (h) note CE/MN, DSD's comments that the drainage proposal to be submitted as required under the relevant approval conditions should include measures not to disturb the adjacent existing watercourse;
- (i) 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 (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) note DFEH's comments that if the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses. Proper licence and/or permit issued by FEHD is required if any food business and/or activities related to place of entertainment is involved. For the operation of any types of food business, relevant food licence(s) and/or permit(s) should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement. A Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment;
- (k) note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted) are erected on leased land without the 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. 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; and

- (1) note CE/C, WSD's comments that existing water mains will be affected. A waterworks reserve within 1.5 metres from the centreline of the water mains shown in **Plan A-2** of this RNTPC paper shall be provided to WSD. No structure shall be built or materials stored within the Waterworks Reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on **Plan A-2** of this RNTPC paper. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

