

Previous Application Covering the Application Site

Rejected Application

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Rejection Reasons
1.	A/YL-KTS/447	Proposed Temporary Barbecue Area for a Period of 3 Years	19.12.2008	(a) to (c)

Rejection Reasons

- (a) the development was not in line with the planning intention of the "Agriculture" ("AGR") zone. There was no strong justification in the submission for a departure from the planning intention, even on a temporary basis.
- (b) there was insufficient information in the submission to demonstrate that the development would not generate adverse ecological (including fire hazard) and landscape impacts on the surrounding areas.
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "AGR" zone. The cumulative effect of approving such applications would result in the encroachment of good agricultural land, causing a general degradation of the rural environment of the area.



Advisory Clauses

- (a) 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 110m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. The lot owner(s) will need to apply to his office to permit the structure(s) 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. Furthermore, the applicants have to exclude the GL from the Site or obtain a formal approval prior to the actual occupation of the GL. Applications for any of the above will be considered by the LandsD acting in the capacity of 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;
- (b) note DAFC's comments that Public Health (Animals and Birds) (Exhibitions) Regulations, Cap. 139F, regulates all persons who exhibit animals or birds in return for a fee paid by the public admitted to enter the venue for the exhibition. In that regards, the applicants will need to apply for a license if they are exhibiting the goats for a fee. Please refer to the link (https://www.pets.gov.hk/english/animal_business/exhibition_licence.html#tab_03) for details of the regulations;
- (c) note DEP's comments that the applicants are advised (i) 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; (ii) to 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 EPD's Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environment Protection Department" including percolation test; and (iii) it is the obligation of the applicants to meet the statutory requirements under relevant pollution control ordinances;
- (d) note CTP/UD&L, PlanD's comments that the applicants are reminded that approval of the application under the Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the Lease. The applicants should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate;
- (e) note D of FS's comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicants are 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. The applicants are reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (f) 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 BA, 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 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. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA 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. 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 the building plan submission stage. Detailed checking under the BO will be provided during the plan submission stage; and
- (g) note PM(W), CEDD's comments that the road improvement works near the access to the Site under his Contract No. YL/2017/01 – Site Formation and Infrastructure Works for Development at Kam Tin South, Yuen Long – Advance Works will be carried out. The applicants are reminded to liaise with the relevant project team for coordination before commencement of construction works of the proposed hobby farm.