

Previous s.16 Applications covering the Application Site

Approved Applications

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC	Approval Conditions
1.	A/YL-PH/301	Temporary horse riding school with ancillary barbecue area and field study centre for a period of 3 years	22.10.1999	(2), (3), (4)
2.	A/YL-PH/418	Temporary horse riding school with ancillary barbecue area and field study centre for a period of 3 years	3.1.2003	(1), (2), (3), (4)
3.	A/YL-PH/527	Temporary horse riding school with ancillary barbecue area and field study centre for a period of 3 years	15.9.2006	(3), (4), (5), (6), (7)
4.	A/YL-PH/592	Renewal of planning approval for temporary "horse riding school with ancillary barbecue area and field study centre" use for a period of 3 years	4.9.2009 (revoked on 4.3.2010)	(3), (4), (5), (6), (7)
5.	A/YL-PH/615	Temporary horse riding school with ancillary barbecue area and field study centre for a period of 3 years	14.1.2011 (revoked on 14.7.2012)	(2), (3), (4), (5), (7), (8)

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC	Approval Conditions
6	A/YL-PH/753	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	13.10.2017 (revoked on 13.4.2018)	(2), (3), (4), (5), (7), (8), (9)

Approval Conditions

- (1) The submission and/or implementation of landscaping and tree preservation proposals.
- (2) The submission and/or provision of drainage proposal.
- (3) Reinstatement of the application site to an amenity area upon the expiry of the planning permission.
- (4) If the planning condition was not complied with during the planning approval period/was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked without further notice.
- (5) The existing trees and landscape planting within the site should be maintained at all times during the planning approval period.
- (6) The drainage facilities implemented under previous approved scheme on the application site should be maintained at all times during the planning approval period/ submission of drainage records
- (7) The submission and/or implementation of fire service installations proposal.
- (8) Restriction on operation hours
- (9) No vehicle is allowed to queue back to or reverse onto/from public road

**Rejected Application**

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC	Rejection Reasons
1.	A/YL-PH/651	Temporary horse riding school with ancillary barbecue area and field study centre for a period of 3 years	2.8.2013	(1), (2)

**Rejection Reasons**

- (1) The proposed development was considered not acceptable from fire safety point of view.
- (2) Previous planning permissions granted to the applicant under Applications No. A/YL-PH/592 and 615 were revoked due to non-compliance with approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning applications for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.



**Appendix III of RNTPC  
Paper No. A/YL-PH/795**

**Detailed Comments of the Chief Town Planner/Urban Design and Landscape,  
Planning Department (CTP/UD&L, PlanD)**

It is observed during the site inspection in November 2018 that numbers of trees are in poor condition. The applicant should closely monitor tree conditions within the Site and conduct proper tree maintenance works when necessary during the approval period.



**Appendix IV of RNTPC**  
**Paper No. A/YL-PH/795**

**Detailed Comments from Director of Fire Services (D of FS)**

Comments on the submitted Fire Services Installations (FSIs) proposal:

- (i) Sprinkler System, Hose Reel System, Fire Alarm System, Emergency Lighting, Directional & Exit Sign and Portable Fire Extinguisher shall be provided for structures exceeding 230m<sup>2</sup>, i.e. Structure no. 11 and 12;
- (ii) Portable Fire Extinguisher shall be provided for structures not exceeding 230m<sup>2</sup>;
- (iii) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
- (iv) The location of where the proposed FSI to be installed should be clearly marked on the layout plans with FS notes provided.





**Appendix VI of RNTPC  
Paper No. A/YL-PH/795**

**Advisory Clauses**

- (a) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) planning permission should have been obtained before commencing the applied use at the Site;
- (c) shorter compliance periods is imposed. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (d) 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 3,000m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. The Site is accessible from Kam Tin 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 Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure 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, 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 formal approval to exclude the area within the burial ground prior to the actual occupation of the GL portion. 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 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;
- (e) note C for T's comments that the Site is connected to the public road network via a section of 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;

- (f) note CHE/NTW, HyD's comments that his department does not and will not maintain the accesses connecting the Site and Kam Tin Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads or exclusive road drains;
- (g) note DEP's comments 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. Adequate supporting infrastructure / facilities should be provided for proper collection, treatment and disposal of waste / wastewater generated from the applied 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 Environmental Protection Department". Effluent discharges from the applied use are subject to control under the Water Pollution Ordinance (WPCO). A discharge licence under the WPCO should be obtained before a new discharge is commenced. It is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures;
- (h) note CTP/UD&L's comments that during the site inspection in November 2018 numbers of trees are in poor condition. The applicant should closely monitor tree conditions within the Site and conduct proper tree maintenance works when necessary during the approval period;
- (i) note CBS/NTW, BD's comments that if the structures (not being New Territories Exempted House) 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. 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;
- (j) note DAFC's comments that there are some mature trees within the Site. The applicant shall be reminded to take necessary measures to avoid damages to the trees within the Site. As the Site is also adjacent to a wooded area zoned as "Conservation Area", the applicant should avoid causing damages and disturbance to the wooded area adjacent to the south-eastern/southern boundary of the Site. The applicant is also be reminded that any person who exhibits animals or birds in return for a fee (paid by the public for entering the venue for the exhibition) must apply for an Exhibition

Licence /Temporary Exhibition Permit from his department;

- (k) note D of FS's comments that the applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. Regarding the submitted fire services installations, (i) Sprinkler System, Hose Reel System, Fire Alarm System, Emergency Lighting, Directional & Exit Sign and Portable Fire Extinguisher shall be provided for structures exceeding 230m<sup>2</sup>, i.e. Structure no. 11 and 12; (ii) portable Fire Extinguisher shall be provided for structures not exceeding 230m<sup>2</sup>; (iii) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (iv) the location of where the proposed FSI to be installed should be clearly marked on the layout plans with FS notes provided; and
  
- (l) note DFEH's comments that if any FEHD's facility is affected by the development, Food and Environmental Hygiene Department (FEHD)'s prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. Proper licence / permit issued by his Department is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

