

Similar Applications within the same “AGR” Zone on the Kam Tin North OZP

Approved Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-KTN/465	Proposed Temporary Hobby Farm for a Period of 3 Years	3.7.2015 [revoked on 3.4.2016]	(1), (2), (3), (4), (5), (6)
2	A/YL-KTN/474	Proposed Temporary Hobby Farm for a Period of 3 Years	7.8.2015 [revoked on 7.8.2016]	(1), (2), (3), (4), (5), (6), (10)
3	A/YL-KTN/513	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	18.3.2016 [revoked on 18.2.2018]	(1), (2), (3), (4), (5), (6)
4	A/YL-KTN/516	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	18.3.2016 [revoked on 18.12.2016]	(1), (2), (3), (4), (5), (6)
5	A/YL-KTN/520	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm and Caravan Camp Site) for a Period of 3 Years	27.5.2016	(1), (2), (3), (4), (5), (6), (7)
6	A/YL-KTN/538	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	23.12.2016 [revoked on 23.9.2017]	(1), (2), (3), (4), (5), (6), (7), (8), (9)
7	A/YL-KTN/535	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm and Caravan Holiday Camp) for a Period of 3 Years	13.1.2017 [revoked on 13.12.2018]	(1), (2), (3), (4), (5), (6), (7),
8	A/YL-KTN/536	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm and Caravan Holiday Camp) for a Period of 3 Years	13.1.2017	(1), (2), (3), (4), (5), (6), (7)
9	A/YL-KTN/571	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	8.9.2017	(1), (3), (4), (5), (6), (7)
10	A/YL-KTN/579	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	22.12.2017	(1), (2), (3), (4), (5), (6), (7), (8)
11	A/YL-KTN/609	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	3.8.2018	(1), (2), (3), (4), (5), (6), (7), (8)

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12	A/YL-KTN/610	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	3.8.2018	(1), (2), (3), (4), (5), (6), (7), (8)
13	A/YL-KTN/615	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	16.11.2018	(1), (2), (3), (4), (5), (6), (7), (8)
14	A/YL-KTN/620	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	7.9.2018	(1), (2), (3), (4), (5), (6), (7), (8)
15	A/YL-KTN/636	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	21.12.2018	(1), (2), (3), (4), (5), (6), (7), (8)

Approval Conditions:

- (1) Restriction on operation hours/time / no reversing of vehicles into or out of the site or queuing of vehicles onto public road
- (2) Submission and implementation of landscape and tree preservation proposal/ implementation of the accepted landscape proposal
- (3) Submission and implementation of drainage proposal
- (4) Submission and implementation of fire service installations proposal
- (5) Revocation of the planning approval if any of the planning conditions is not complied by the specified date or during the planning approval period
- (6) Reinstatement of the site to an amenity area or to the original state
- (7) No public announcement system, portable loudspeaker or any form or audio amplification system on the site
- (8) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, are allowed to be parked/stored on or enter the site
- (9) Submission of a proposal and implementation to provide buffer planting along the northern boundary in order to screen potential disturbance to the adjacent drainage channel
- (10) Submission and implementation of a revised layout plan with reduced paved area

Rejected Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason (s)</u>
1	A/YL-KTN/394	Proposed temporary field study/education centre and hobby farm for 5 years	14.6.2013 [on review]	(1), (2), (3), (4)

Rejection Reasons

- (1) the site is the subject of unauthorized land filling
- (2) there is no detailed information provided regarding the design and operation of the proposed development particularly the hobby farm, field study/education centre and the office with porch/ on the boundary of war game activities, types of gun and bullet used and the associated safety rules and regulations. The potential impacts of the development could not be properly assessed.
- (3) the applicant fails to demonstrate that the development would not generate adverse landscape/ drainage/ traffic impacts on the surrounding areas and/or would have adequate fire services installation for fire fighting
- (4) approving the application would set an undesirable precedent for similar applications within the "AGR" and/or "CA" zone, and the cumulative effect of which would result in a general degradation of the rural environment of the area

**Appendix III of RNTPC
Paper No. A/YL-KTN/626A**

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

- (i) The number of trees as indicated in the “Proposed Landscape Plan” does not tally with the legend / note of drawing. The applicant is reminded to provide consistent information.
- (ii) For existing trees located at the northwestern side of the site boundary, Tree Protection Zone (TPZ), i.e. the area around a tree corresponding to dripline of an existing tree, should be set up and separated from the proposed farming area. (Generally speaking, “dripline” of a tree means the imaginary vertical plumb line that extends downward from the tips of the outermost tree branches and intersects the ground).
- (iii) Please be reminded that the proposed trees should be kept with a minimum clearance from drainage channel and proposed structures. Reference can be referred to “Technical Notes on Submission and Implementation of Landscape Proposal for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance”.
- (iv) For proposed tree species, for better integration with the surrounding, species of existing trees should be considered.

Detailed Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD)

The comments on the submitted drainage proposal are as below:

- (i) Part of the proposed farm at its southern edge encroaches upon the natural water course. It is not clear whether there is filling works at that area of encroachment. The applicant should clarify the above.
- (ii) All the proposed structural works must be located 3m away from the natural water course.
- (iii) Cross sections showing the existing ground levels of the Site with respect to the adjacent areas should be given.
- (iv) Please provide invert level of the proposed catchpits for comment. The top level of the channel should be lower than the adjacent ground so as to collect the overland flow.

- (v) Peripheral channels should be provided at the north of the Site to intercept the overland flow.
- (vi) Where walls or hoarding are erected and laid along the site boundary, adequate opening should be provided to allow the existing overland flow passing through the Site.
- (vii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (viii) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.

Advisory Clauses

- (a) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises an Old Scheduled Agricultural Lot 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 Site is accessible from Castle Peak Road – Tam Mi via Government Land (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. 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;
- (c) note C for T's comments that the applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. 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;
- (d) note CHE/NTW, HyD's comments that his department does not and will not maintain any access connecting the Site and Castle Peak Road – Tam Mi. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) note DEP's comments that the applicant should follow the relevant mitigation measures and requirements in the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize any potential environmental nuisance. It is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures to prevent polluting the watercourses and/or pond adjacent to the Site. Adequate supporting infrastructure / facilities should be provided

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 Environmental Protection Department";

- (f) note DAFC's comments that pollution and further disturbances to the adjacent streamcourses and the nearby pond shall be avoided as far as possible. The applicant shall be advised to adopt necessary measures to avoid pollution and further disturbance to the adjacent streamcourse;
- (g) note CTP/UD&L, PlanD's comments that the number of trees as indicated in the "Proposed Landscape Plan" does not tally with the legend / note of drawing. The applicant is reminded to provide consistency information. For existing trees located at the northwest side of the site boundary, Tree Protection Zone (TPZ), i.e. the area around a tree corresponding to dripline of an existing tree, should be set up and separated from the proposed farming area. (Generally speaking, "dripline" of a tree means the imaginary vertical plumb line that extends downward from the tips of the outermost tree branches and intersects the ground). Please be reminded that the proposed trees should be kept with a minimum clearance from drainage channel and proposed structures. Reference can be referred to "Technical Notes on Submission and Implementation of Landscape Proposal for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance". For proposed tree species, for better integration with the surrounding, species of existing trees should be considered;
- (h) note CE/MN, DSD's comments on the submitted drainage proposal that part of the proposed farm at its southern edge encroaches upon the natural water course. It is not clear whether there is filling works at that area of encroachment. Please clarify. All the proposed structural works must be located 3m away from the natural water course. Cross sections showing the existing ground levels of the Site with respect to the adjacent areas should be given. Please provide invert level of the proposed catchpits for comment. The top level of the channel should be lower than the adjacent ground so as to collect the overland flow. Peripheral channels should be provided at the north of the Site to intercept the overland flow. Where walls or hoarding are erected along the site boundary, adequate opening should be provided to allow the existing overland flow passing through the Site. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (i) note CBS/NTW, BD's comments that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed

building works in accordance with the BO. 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 D of FS's comments that in consideration of the design/nature of the proposals, 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. If the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (k) note DEFH' comments that if any FEHD's facility is affected by the development, 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; and
- (l) note DEMS's comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

