

Previous S.16 Applications

Approved Applications

Application No.	Uses/Development	Date of Consideration	Approval Conditions
A/NE-LYT/413	Temporary Training Centre (Adventure Training Centre) For a Period of 3 Years	11.6.2010	A1, A2, A3, A6, A7, A8 & A10
A/NE-LYT/504	Renewal of Planning Approval for Temporary Training Centre (Adventure Training) for a Period of 3 Years	3.5.2013	A1, A2, A3, A6, A7, A9 & A10
A/NE-LYT/591	Renewal of Planning Approval for Temporary "Training Centre (Adventure Training Centre)" for a Period of 3 Years	13.5.2016	A1, A2, A4, A5, A6, A7, A9, A10 & A11

Approval Conditions

- A1 No night time operation between 7:00 p.m. and 7:00 a.m. was allowed
- A2 No parking, loading/unloading and picking up/setting down were allowed
- A3 The submission and the implementation of drainage proposal
- A4 The existing drainage facilities implemented under Application No. A/NE-LYT/504 on-site should be maintained
- A5 The submission of a condition record of the existing drainage facilities
- A6 The submission of proposals for water supplies for fire fighting and fire service installations
- A7 The provision of water supplies for fire fighting and fire service installations
- A8 The submission and the implementation of tree preservation and landscaping proposal
- A9 The submission and the implementation of tree preservation proposal
- A10 Revocation clause
- A11 Reinstatement clause

Rejected Application

Application No.	Proposed Developments	Date of Consideration	Rejection Reasons
A/DPA/NE-LYT/62	Open Storage of Waste Metal	20.9.1993	R1 - R6

Rejection Reasons

- R1 The development was not in line with the planning intention for the area which was firstly, to encourage in-situ reconstruction of structure with permanent materials with a view to improving the current situation and local environment, and, secondly, to restrict development to the type that would have insignificant adverse impacts on the environment, traffic and drainage of the area.
- R2 The development was not compatible with the surrounding land uses which were largely rural and agricultural in character.
- R3 The proposed vehicular access, and parking, loading/unloading and manoeuvring spaces were not satisfactory.
- R4 No mitigation measures against the noise and dust impacts on the nearby villages had been included in the submission.
- R5 No proposals for drainage facilities had been provided in the submission.
- R6 No landscaping proposals had been provided in the submission.

Recommended Advisory Clauses

- (a) to note the comments of DLO/N, LandsD as follows:
- (i) the lots are Old Schedule lots held under the Block Government Lease (demised for agriculture use) without any guarantee of right of vehicular access. The applicants should make their own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement and there is no guarantee that any adjoining Government land will be allowed for the vehicle access of the applied use;
 - (ii) it is noted that the existing structures on the Site were erected without approval from his office. The structures are not acceptable under the Leases concerned. Besides, the Government land within the Site is being occupied without approval from his office. His office reserves the right to take enforcement actions against the structures and unauthorized occupation of Government land; and
 - (iii) an application for a Short Term Waiver (STW) in respect of Lots 1442 and 1444 RP in D.D. 76 and an application for a Short Term Tenancy (STT) have been received and are being processed by his office. All applications for STW/STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW/STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee / rent and administrative fees as considered appropriate by his office;
- (b) to note the comments of CE/MN, DSD as follows:
- (i) the development and the drainage facilities implemented on site shall not obstruct overland flow/surface runoff and any existing drainage facilities; and
 - (ii) the applicants shall make sure that rain water falling onto the Site shall be collected by a drainage system and conveyed to a proper discharge point(s). The applicants shall maintain such system properly and rectify the system if it is found to be inadequate or ineffective during operation at their own cost. The applicants shall also be liable for and shall indemnify Government against claims and demands arising out of damage or nuisance caused by a failure of the system;
- (c) to note comments of CE/C, WSD that for the provision of water supply to the development, the applicants may need to extend the inside services to the nearest suitable Government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (d) to note the comments of D of FS as follows:
- (i) in consideration of the design/ nature of the proposed use, the applicants are advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his satisfaction;
 - (ii) the applicants should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of the CTP/UD&L, PlanD as follows:
- (i) ***the applicants should properly maintain all existing trees and vegetation within the Site at all times during the planning approval period;***
 - (ii) the approval of the application does not imply approval of tree works such as pruning, transplanting and felling under the lease. Tree removal applications should be submitted direct to DLO/N, LandsD for approval; and
 - (iii) to refer to the following materials published by the Development Bureau for general tree maintenance and tree risk management:
 - i. Pictorial Guide for Tree Maintenance:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf;
 - ii. Handbook on tree Management:
http://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html;
 - iii. Tree Risk Assessment and Management Arrangement:
http://www.greening.gov.hk/tc/tree_care/tra_arrangements.html;
 - iv. Minimising Tree Risks:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_leaflet_Big_font_size_v1_2012_03_29.pdf; and
 - v. Pictorial Guide for Tree Maintenance to Reduce Tree Risks:
[http://www/greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www/greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf);
- (f) to note the comments of the CBS/NTW, BD as follows:
- (i) if any existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under this application;
 - (ii) before any new building works (including containers/open sheds as temporary building) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (iii) the temporary shelters or converted containers for storage/washroom/first-aid room/site office are considered as temporary buildings are subject to control under the Building (Planning) Regulations (B(P)Rs) Pt. VII;
 - (iv) 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;
 - (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 B(P)Rs respectively; and
 - (vi) if the Site does not abut 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)Rs at the building plan submission stage; and
- (g) the applicants should follow the environmental mitigation measures as set out in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances.