

Previous s. 16 Applications covering the Site for Temporary Golf Driving Range

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approved Conditions
A/NE-SSH/33	Proposed Temporary Golf Driving Range for a Period of 3 Years	9.1.2004	A1 – A4, A7
A/NE-SSH/59	Proposed Temporary Golf Driving Range for a Period of 3 Years	23.1.2009	A1, A2, A5 – A7
A/NE-SSH/78	Renewal of Planning Approval for Temporary Golf Driving Range for a Period of 3 Years	6.1.2012	-
A/NE-SSH/98	Renewal of Planning Approval for Temporary Golf Driving Range for a Period of 3 Years	16.1.2015	-
A/NE-SSH/114	Renewal of Planning Approval for Temporary Golf Driving Range for a Period of 3 Years	22.12.2017	-

Approval Conditions

- A1. The submission of a drainage impact assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board.
- A2. In relation to (A1) above, the implementation of mitigation measures identified in the drainage impact assessment within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board.
- A3. The submission of a traffic impact assessment within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
- A4. In relation to (A3) above, the implementation of mitigation measures identified in the traffic impact assessment within 9 months to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
- A5. The submission of fire fighting access, water supplies and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB
- A6. In relation to (A5) above, the provision of fire fighting access, water supplies and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB
- A7. If any of the above planning conditions was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

Recommended Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owner of the Site;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
 - (i) the user of the Lot is restricted to non-industrial (excluding godown, hotel, offices and petrol filling station) purposes. For Site C, it shall only be used for such recreational purposes as the Director of Lands may approve and for public vehicles park and sports centre;
 - (ii) details of the proposal will be considered when the applicant submit proposal to her office. If any proposed use breach the conditions of the lease or outside the boundary of TPTL 157, the applicant shall apply for a short term tenancy/ waiver, which if approved will be subject to such terms and conditions including but not limited to payment of rent/waiver fee and administrative fee as may be imposed. However, there is no guarantee that the short term tenancy/ waiver will be approved;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) there is no existing DSD maintained public storm drains available for connection in this area. The proposed golf driving range should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. All existing flow path as well as the runoff falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The golf driving range should neither obstruct overland flow nor adversely affect existing neutral streams, village drains, ditches and the adjacent areas, in particular the access road leading to Tseng Tau may be considered. The applicant/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
 - (ii) for works to be undertaken outside the Site, prior consent and agreement from DLO/TP and/or relevant private lot owners should be sought; and
 - (iii) there is no existing public sewerage in the vicinity of the Site.
- (d) to note the Comments of the Director of Environmental Protection (DEP) that the applicant is reminded to make reference to good practices stated in Practice Note for Professional Person (ProPECC PN) 1/94 - "Construction Site Drainage" during construction phase. For the site drainage, it is advised to follow recommendations stated in Section 5 of ProPECC PN 5/93 "Drainage Plan subject to comment by the Environmental Protection Department", including but not limited to the drainage outlets for open and covered

carparks, kitchen of the eating place. For sewage generated on site, the applicant proposes the adoption of Septic Tank and Soakaway systems (ST/SA systems). As usual, the design and construction of ST/SA systems shall follow ProPECC PN 5/93, particularly clearance distance requirements, percolation test, etc., with certification by an Authorized Person.

- (e) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral form relevant licensing authority; and
 - (ii) the emergency vehicular access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department.

- (f) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
 - (i) if the food supply/ catering service is for the exclusive use of staff or members of the temporary golf driving range, it will be exempted from the requirements of getting license/permit from FEHD. However, a Certificate of Compliance under the Clubs (Safety of Premises) Ordinance issued by Home Affairs Department is required for a Club to provide services, including food supply/ catering, to its members; and
 - (ii) the operator of golf driving range or any related shop or store should take measures to prevent the existence of nuisance such as noise nuisance, pest nuisance and accumulation of refuse at the Site. The refuse generated are regarded as trade refuse. The management or owner of the Site is responsible for its removal and disposal at their expenses. The operation of any business should not cause any obstruction or environmental nuisance in the vicinity.

- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) the site falls within the consultation zone of the Ma On Shan Water Treatment Works, which is a Potentially Hazardous Installation (PHI);
 - (ii) for the provision of the water supply to the development the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. Th applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and hall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) if the existing structures are erected on leased land without approval of the BD (not

being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;

- (ii) 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 BA should be obtained, otherwise they are Unauthorized Buildings Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
- (iii) for UBW erected on leased land, enforcement action may be taken by BA 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;
- (iv) in connection with the above, the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation (B(P)R) 5 and emergency vehicular access shall be provided under the B(P)R 41D;
- (v) 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 B(P)R 19(3) at the building plan submission stage; and
- (vi) detailed consideration will be made at building plan submission stage.