

Previous Application Covering the Application Site

Rejected Application

<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
A/YL-PN/49	Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	24.11.2017	(1) & (2)

Rejection Reasons

- (1) Not in line with the planning intention of the “CPA” zone. No strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.
- (2) Undesirable precedent.

Similar Applications within the Same “CPA” Zone
on the approved Sheung Pak Nai and Ha Pak Nai OZP No. S/YL-PN/9

Approved Applications

<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/YL-PN/16	Temporary Fishing Ground for a Period of 3 Years	4.7.2008	(2), (3), (7) & (8)
A/YL-PN/22	Temporary Fishing Ground for a Period of 3 Years	23.1.2009	(2) & (7) to (9)
A/YL-PN/28	Temporary Recreation Use (Fishing Ground) for a Period of 3 Years	2.9.2011	(2), (4) to (6), (7) to (9) & (13)
A/YL-PN/36	Temporary Recreation Use (Fishing Ground) for a Period of 3 Years	1.6.2012	(2), (7) to (9) & (11)
A/YL-PN/39	Renewal of Planning Approval for Temporary Recreation Use (Fishing Ground) for a Period of 3 Years	22.8.2014	(1), (4), (5), (7) to (10) & (13)
A/YL-PN/44	Temporary Recreation Use (Fishing Ground) for a Period of 3 Years	20.11.2015	(2), (7) to (9) & (12)
A/YL-PN/50	Temporary Recreation Use (Fishing Ground) for a Period of 3 Years	8.9.2017	(1), (4), (5), (7) to (10) & (13)

Approval Conditions

- (1) Maintenance of existing trees.
- (2) Submission and/or implementation of tree preservation and landscape proposal.
- (3) Submission and implementation of drainage proposal.
- (4) Maintenance of existing drainage facilities.
- (5) Submission of condition record of existing drainage facilities.
- (6) Submission and implementation of run-in/out proposal.
- (7) Submission and implementation of fire services installations proposal.
- (8) Revocation clause(s).
- (9) No night-time operation.
- (10) No vehicle allowed to queue back to or reverse onto/from public road.
- (11) Submission and implementation of run-in/run-out proposal.
- (12) No vehicle to queue back to or reverse onto/from public road.
- (13) Provision of waterworks reserve.

Rejected Applications

<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
A/YL-PN/7	Temporary Fishing Ground for a Period of 3 Years	27.2.2004	(1), (4)
A/YL-PN/48	Proposed Temporary Place of Recreation (Fishing Ground) with Ancillary Vehicle Park and Office for a Period of 3 Years	28.7.2017	(2), (3) & (4)

Rejection Reasons

- (1) Fail to demonstrate no adverse traffic and hygiene impacts.
- (2) Not in line with the planning intention of the “CPA” zone.
- (3) Fails to demonstrate no adverse environmental, ecological, landscape and traffic impacts.
- (4) Undesirable precedent.

Detailed Comments of Chief Engineer/Mainland North, Drainage Services Department

- (a) He has the following comments on the submitted drainage proposal:
- (i) Peripheral surface channels should be provided along the boundary of the application site to collect the runoff accrued and to intercept the overland flow from the adjacent land.
 - (ii) Please indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system). In the case that local village drains are involved, DO/YL should be consulted.
 - (iii) The gradients and the sizes of the proposed U-channels should be shown on the drainage plan.
 - (iv) The proposal should indicate how the runoff (the flow direction) within the site would be discharged to the proposed u-channel.
 - (v) Consideration should be given to provide grating for the surface channels.
 - (vi) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
 - (vii) Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given.
 - (viii) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
 - (ix) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
 - (x) Where walls or hoarding are erected along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site.
 - (xi) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
 - (xii) 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) to resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises 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 government land (GL) (about 900m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible to Nim Wan Road through both private lots and GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lots owners will need to apply to his office to permit the structures to be erected or regularize any irregularities on Site. Furthermore, the applicant has to apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) 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 LandsD;
- (c) to note the comments of the Director of Environmental Protection (DEP) that no effluent shall be discharged within 100m of the landward boundary of a SSSI as controlled by Water Pollution Control Ordinance. The applicant is reminded that the following two activities at the Site will constitute a designated project requiring an environmental permit for its construction and operation under the Environmental Impact Assessment Ordinance (Cap. 499):
 - (i) a dredging operation which is less than 500m from the CPA or SSSI;
 - (ii) a drainage channel which discharge into an area which is less than 300m from the CPA or SSSI;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that the applicant shall remind visitors to arrive the Site by using public transport;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that peripheral surface channels should be provided along the boundary of the application site to collect the runoff accrued and to intercept the overland flow from the adjacent land. The applicant should indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system). In the case that local village drains are involved, DO/YL should be consulted. The gradients and the sizes of the proposed U-channels should be shown on the drainage plan. The proposal should indicate how the runoff (the flow direction) within the site would be discharged to the proposed u-channel. Consideration should be given to provide grating for the surface channels. The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan. Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap. Where walls or hoarding are erected along the site boundary, adequate opening should be provided to intercept 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;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by 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 emergence vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulation 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 Building (Planning) Regulation at the building plan submission stage;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape Unit, Planning Department (CTP/UD&L, PlanD) that the Applicant is advised that the approval of the landscape proposal under S.16 application does not imply approval of Tree Works such as pruning, transplanting and felling under lease. Tree Works applications should be submitted direct to DLO for approval. The Applicant should leave adequate spacing between the fence, structures and trees to promote a more sustainable growing environment for the trees. A minimum distance of 600mm between the fence and the tree planting should be provided. The Applicant is also advised that there should be a minimum soil provision of 1m (W) x 1m (L) x 1.2m (D) for each tree. The Applicant shall be reminded of the importance of general tree care as well as proper tree maintenance. Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: https://www.greening.gov.hk/tc/tree_care/Hand_book_on_Tree_Management.html) published by the GLTM Section, DEVB;
- (h) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant 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;
- (i) to note the comments of the Director of Fire Services (D of FS) that the installation/maintenance/ modification/ repair work of FSIs shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/ modification/ repair work issue to the person on whole instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the D of FS. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (j) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising 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 concerned 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.