

Previous Applications Covering the Application Site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
1	A/YL-PN/8	Fishing Ground and Barbecue Spot	18.6.2004 (TPB)	(1), (3) & (10)
2	A/YL-PN/20	Place of Recreation, Sports or Culture (Fishing Ground)	15.8.2008	(2), (3), (4), (7) & (10)
3	A/YL-PN/32	Temporary Place of Recreation, Sports or Culture (Fishing Ground) for a Period of 3 Years	7.10.2011 (Revoked on 7.7.2012)	(2), (3), (5), (6), (8) & (10)
4	A/YL-PN/37	Temporary Place of Recreation, Sports or Culture (Fishing Ground) for a Period of 3 Years	7.9.2012	(2), (3), (5), (6), (8) & (10)
5	A/YL-PN/43	Renewal of Planning Approval for Temporary Place of Recreation, Sports or Culture (Fishing Ground) for a Period of 3 Years	17.7.2015	(2), (3), (5), (6), (8), (9) & (10)

Approval Conditions

- (1) The site should be kept in a clean, tidy and hygienic condition.
- (2) No night-time operation.
- (3) Submission and implementation of landscape and tree preservation proposal.
- (4) Submission of drainage proposal and provision of drainage facilities proposed.
- (5) Maintenance of existing drainage facilities.
- (6) Submission of condition record of existing drainage facilities.
- (7) Provision of a 9-litre water type/3kg dry powder fire extinguisher.
- (8) Submission and implementation of fire services installations proposal.
- (9) No vehicle is allowed to queue back to or reverse onto/from public road.
- (10) Revocation clauses.

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 100m² 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 GL. LandsD provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site. The private lot which is covered by Short Term Waiver (STW) is listed below:

Lot No.	STW	Purposes
81 in D.D. 135	3673	Temporary Place of Recreation, Sports or Culture (Fishing Ground)

the STW holder will need to apply to LandsD for modification of the STW conditions if there are any irregularities on Site and the lot owner of the lot without STW will need to apply to LandsD for permit the structures to be erected or regularize any irregularities on Site. Besides, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application(s) will be considered by the LandsD acting in the capacity of the landlord or lessor 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 the LandsD;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that as there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application. If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department (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. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with 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 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;

- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should be advised to adopt appropriate measures to prevent any disturbance or environmental hygiene problems that may affect the nearby fishponds and fish culture activities during the operation of the proposed fishing ground;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, 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 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/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB;
- (f) 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 services;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Nim Wan Road;
- (h) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, 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 FSIs to be installed should be clearly marked on the layout plans. 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;
- (i) 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; and
- (j) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department’s (FEHD) facilities will be affected and such work/operation shall not cause any environmental nuisance, pest infestation and obstruction to

the surrounding. For any waste generated from such activity/operation, the applicant should arrange disposal properly at her own expenses. Proper licence/permit issued by his Department is required if there is any catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.