

**Previous s.16 Applications covering the Application Site**

**Approved Applications**

<b>Application</b>	<b>Proposed Uses</b>	<b>Date of Consideration (RNTPC/TPB)</b>	<b>Approval Conditions</b>
A/TM-SKW/42	Temporary Barbecue Area with Structures for a Period of 3 Years	28.5.2004 Approved by RNTPC (3 years) [revoked on 28.2.2005]	(1) to (6)
A/TM-SKW/48	Temporary Barbecue Area with Structures for a Period of 3 Years	23.6.2005 Approved by TPB upon review (3 years) [revoked on 23.3.2007]	(1) to (7)
A/TM-SKW/54	Temporary Barbecue Area for a Period of 3 Years	28.9.2007 Approved by RNTPC (1 year) [revoked on 28.12.2007]	(1) to (7)
A/TM-SKW/57	Temporary Barbecue Area for a Period of 3 Years	9.5.2008 Approved by RNTPC (3 years) [revoked on 9.1.2009]	(1) to (8)
A/TM-SKW/67	Temporary Barbecue Area for a Period of 3 Years	17.6.2011 Approved by RNTPC (3 years)	(1) to (7), (9) to (11)
A/TM-SKW/93	Temporary Barbecue Area for a Period of 3 Years	18.12.2015 Approved by RNTPC (3 years)	(1) to (8), (10), (11)

**Approval Conditions**

- (1) Submission of landscape and tree preservation proposals.
- (2) Implementation of landscape and tree preservation proposals.
- (3) Submission of drainage proposals.
- (4) Implementation of drainage proposals.
- (5) If the planning condition was not complied with by a specific time limit, the approval shall cease to have effect and shall on the same date be revoked without further notice.
- (6) Upon the expiry of the planning permission, the reinstatement of the site to an amenity area.
- (7) No operation between 11:00pm to 7:00am should be carried out at the application site.
- (8) Submission of fire services installations proposals.
- (9) The provision of fire services installations.
- (10) Implementation of fire service installations proposals.
- (11) Maintenance of paving and boundary fencing on the site.

### **Rejected Applications**

<b>Application</b>	<b>Proposed Uses</b>	<b>Date of Consideration (RNTPC/TPB)</b>	<b>Main Reasons for Rejection</b>
A/TM-SKW/61	Temporary Barbecue Area with Structures for a Period of 3 Years	8.5.2009 Rejected by RNTPC	(1) to (4)
A/TM-SKW/90	Temporary Barbecue Area for a Period of 3 Years	19.6.2015 Rejected by RNTPC	(5)

### **Main Reasons for Rejection**

- (1) The development was not in line with the planning intention of the “Village Type Development: (“V”) zone, which was to designate both existing recognised villages and areas of land considered suitable for village expansion, even on a temporary basis.
- (2) The development was not compatible with the surrounding areas and the residential dwellings in the close vicinity.
- (3) There was insufficient information to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas.
- (4) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar application within the “V” zone.
- (5) The applicant fails to demonstrate that the wastewater generated from the development could be properly treated and disposed of.

**Similar s.16 Applications within the same “V” zone  
On the Approved So Kwun Wat Outline Zoning Plan No. S/TM-SKW/13**

**Approved Applications**

<b>Application</b>	<b>Proposed Uses</b>	<b>Date of Consideration (RNTPC/TPB)</b>	<b>Approval Conditions</b>
A/TM-SKW/47	Temporary Barbecue Area with Structures for a Period of 3 Years	10.3.2006 Approved by TPB upon review (3 years) [revoked on 10.12.2008]	(1) to (7)
A/TM-SKW/63	Temporary Barbecue Area with Structures for a Period of 3 Years	24.7.2009 Approved by RNTPC (1 year) [revoked on 24.3.2010]	(1) to (11)
A/TM-SKW/78	Temporary Barbecue Area for a Period of 3 Years	1.3.2013 Approved by RNTPC (3 years)	(1), (3), (5), (6), (7) and (9)
A/TM-SKW/94	Temporary Barbecue Area for a Period of 3 Years	4.3.2016 Approved by RNTPC (3 years)	(1), (3), (5) to (9)

**Approval Conditions**

- (1) No operation between 11:00pm to 7:00am should be carried out at the application site.
- (2) Submission of landscape and tree preservation proposals.
- (3) Implementation of landscape and tree preservation proposals.
- (4) Submission of drainage proposals.
- (5) Implementation of drainage proposals.
- (6) Revocation clause
- (7) Reinstatement clause
- (8) Submission of fire service installations proposals.
- (9) Implementation of fire service installations proposals.
- (10) Submission of vehicular run-in proposals.
- (11) Implementation of vehicular run-in proposals.

### Rejected Applications

<b>Application</b>	<b>Proposed Uses</b>	<b>Date of Consideration (RNTPC/TPB)</b>	<b>Main Reasons for Rejection</b>
A/TM-SKW/66	Temporary Self-service Barbecue Area for a Period of 3 Years	5.11.2010 Rejected by TPB upon review	(1)

### Main Reasons for Rejection

- (1) The applicant failed to demonstrate that the development would not cause adverse drainage impacts and fire risk on the surrounding areas as the last planning permission granted to the applicant under application No. A/TM-SKW/63 was revoked due to non-compliance of approval conditions, and the applicant failed to convince the Board that he would comply with approval conditions imposed by the Board.

**Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the applied use at the Premises;
- (b) the planning permission is given to the development/use and structure under application. It does not condone any other development/use and structure which currently occur in the Premises but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use and structure not covered by the permission;
- (c) to resolve any land issue relating to the temporary development with the concerned owners of the application site as well as the adjacent lots;
- (d) to note the comments of DLO/TM, LandsD that the Site comprises Lots Nos. 263 S.B and 268 in D.D. 385 (the Lots). The Lots are 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. Site inspection revealed that unauthorised structures for Barbecue Area were erected on the Site. Moreover, portion of a structure was encroaching onto the adjoining private land (Lot No. 261 in D.D. 385). No permission has been given for the erection of the structures on the Site. The layout of existing structures does not tally with the proposal. The Site is accessible via a strip of government land leading from Tai Lam Chung Road. His office does not and will not carry out maintenance works for the said road nor guarantee that right-of-way will be given to the Site. Currently, there is no small house application at the Site. However, 4 small house applications falling in the close proximity of the Site are under processing by his department. The lot owner may consider submitting a formal application to his office for a Short Term Waiver (STW) to permit erection of the proposed structures on the Lots. However, there is no guarantee that the application will be approved and he reserves his right to take any action as may be appropriate. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administrative fee etc. Notwithstanding the above, his office reserves the right to take enforcement actions as considered appropriate against any unauthorised erection/extensions/alternations of the structures affected irrespective of whether planning permission will be given or not;
- (e) the applicant is reminded that all waste water from the Site shall be properly collected, treated and disposed in compliance with the requirements under the Water Pollution Control Ordinance;
- (f) to note the comments of CE/MN, DSD that the drainage facilities located outside the Site and the proposed connections to existing drainage facilities are not being maintained by DSD. The applicant shall seek consent from the relevant owners or parties who are responsible for the maintenance of these existing drainage facilities. The wastewater proposal for the subject application involved the use of septic tank and soakaway system and his Department is not in the position to

comment on the proposal. The applicant shall meet the full satisfaction of EPD, the planning authority of sewerage infrastructure;

- (g) to note the comments of CHE/NTW, HyD that the proposed access arrangement of the Site should be commented and approved by TD. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains. The proposed vehicular access from the Site to Tai Lam Chung Road is not and will not be maintained by HyD;
- (h) to note the comments of C for T that the Site is connected to the public road network via a section of a local access road which is not managed by his department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. The applicant should notify visitors to make reservation in advance and remind the visitors that there are no parking spaces within the Site. Loading and unloading should be confined within the Site. No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (i) to note the comments of CTP/UD&L, PlanD that all existing trees and landscape plantings within the Site should be maintained at all times during the planning approval period. Approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval. It is also important to undertake proper tree care for the existing trees. Useful information published by the Greening, Landscape and Tree Management Section (GLTM Section) of the Development Bureau (DEVB) on general tree maintenance and tree risk management is available for reference in the following link:

- (i) 護養樹木的簡易圖解

[https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)

- (ii) 樹木管理手冊

[https://www.greening.gov.hk/tc/tree\\_care/Handbook\\_on\\_Tree\\_Management.html](https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)

- (iii) 樹木風險評估及管理安排

[https://www.greening.gov.hk/tc/tree\\_care/tra\\_arrangements.html](https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html)

- (iv) 護養樹木 保障安全

[https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Chinese\\_Leaflet\\_Big\\_font\\_size\\_v1\\_2012\\_03\\_29.pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf)

- (v) 減低樹木風險的樹木護養簡易圖解

[https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_GuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_GuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

- (j) to note the comments of CBS/NTW, BD that if any existing structures are erected on leased land without approval of the Buildings Department (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 captioned application. 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). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. All drainage works for the proposed toilets shall be carried out to the satisfaction of the Building Authority and in compliance with regulations. 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. If the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. In connection with (b) above, the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with the 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) Regulations at the building plan submission stage. Formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments will be provided at the building plan submission stage; and
- (k) to note the comments of D of FS that the layout plans with the proposed FSIs to be submitted should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSI 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 BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.