

Previous s.16 Applications covering the Application Site

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration</u> <u>RNTPC/ TPB</u>	<u>Reasons for</u> <u>Rejection</u>
1.	A/YL-HT/414	Temporary Racing Circuit (3 Years)	29.7.2005	1, 2, 3
2.	A/YL-HTF/1083	Temporary Open Storage of Construction Materials and Equipment (3 Years)	25.8.2017	3, 4, 5, 6

Rejected Reasons(s):

- 1 not in line with the planning intention of the then “GB” zone
- 2 insufficient information to demonstrate that the development would not have adverse environmental/ecological/traffic/drainage/geotechnical/ landscape/visual impact(s) on the Site and the Deep Bay area
- 3 the approval would set an undesirable precedent for similar applications, the cumulated impact would result in general degradation of the environment
- 4 the applied development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification to merit a departure from such planning intention, even on a temporary basis
- 5 the applied development is not compatible with the surrounding areas comprising mainly vegetated unused or wooded land
- 6 the applied development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval has been granted for the site and there are adverse departmental comments. The applicant fails to demonstrate that the applied development would not generate adverse landscape and environmental impacts

Similar s.16 Applications within the same “AGR” Zone
on the draft Ha Tsuen Fringe Outline Zoning Plan

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HTF/1090	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) (3 Years)	6.7.2018 (3 years)	1, 2, 3, 4, 5, 6, 7, 8, 9

Approval Condition(s)

- 1 No night-time operation
- 2 The submission and implementation of landscape and/or tree preservation proposal
- 3 The submission and implementation of fire service installations proposal
- 4 The submission and implementation of drainage proposal
- 5 Revocation clause
- 6 The reinstatement of the application site upon the expiry of the planning permission
- 7 The maintenance of implemented drainage facilities
- 8 The provision of fencing of the site
- 9 No vehicle is allowed to queue back to public road or reverse onto/from public road

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises an 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. The Site falls within “Fu Tei Au Site of Archaeological Interest” (AM98-0910). The Site is accessible from Kai Pak Ling Road through Government Land (GL). His Office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site. The lot owner(s) will need to apply to his Office to permit the structures to be erected or regularize any irregularities on Site. Such application(s) will be considered by 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 LandsD;
- (b) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that visitors should be reminded to arrive the site by using public transport services;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that his office does not and will not maintain any access connecting the Site and Deep Bay Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads and drains;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should adopt appropriate measures to avoid causing pollution or disturbance to the adjacent watercourse;
- (e) to follow the relevant mitigation measures and requirements in the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ issued by the Environmental Protection Department;
- (f) to note the comments of the Chief Town Planning/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the landscape proposal under S.16 or approval condition does not imply approval of tree works such as felling/transplanting or pruning under lease. Any proposed tree preservation/removal scheme involving trees outside site in particular, the applicant shall be reminded to approach relevant authority /government department(s) direct to obtain the necessary approval. Any proposed farm area should be set back away from the drip line of existing trees to avoid damage to the roots (a likely cause of decline in tree health) of existing trees;
- (g) 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 the site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized 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 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. 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) Regulations at the building plan submission stage;

- (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 BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (i) to note the comments of the Antiquities and Monuments Office (AMO) of Leisure and Cultural Services Department (LCSD) that the applicant is required to inform AMO immediately when antiquities or supposed antiquities, if any, are unearthed within the Site during the construction and operation of the proposed development.