

Previous s.16 Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HTF/1091	Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	“AGR”	21.9.2018 (revoked on 21.3.2019)	1-12

Approval Condition(s):

- 1 No operation between 6:00 p.m. and 9:00 a.m.;
- 2 No vehicles are allowed to be parked/stored on the site;
- 3 Submission of drainage proposal;
- 4 Implementation of drainage proposal;
- 5 Maintenance of the implemented drainage facilities at all times;
- 6 Submission of landscape proposal;
- 7 Implementation of landscape proposal;
- 8 Submission of fire service installations proposal;
- 9 Implementation of fire service installations proposal;
- 10 Provision of fencing on the site;
- 11 Revocation clauses;
- 12 Reinstatement clause.

Rejected Applications

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reason(s)</u>
1.	A/YL-HT/414	Temporary Racing Circuit for a Period of 3 Years	“AGR”	29.7.2005	1-3
2.	A/YL-HTF/1083	Temporary Open Storage of Construction Materials and Equipment for 3 Years	“AGR”	25.8.2017	4-7

Rejected Reason(s):

- 1 Not in line with the planning intention of the "GB" and “AGR” zone. There was no strong justification in the submission for a departure from the planning intentions, even on a temporary basis.
- 2 There was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, ecological, traffic, drainage, geotechnical, landscape and visual impacts.
- 3 Approval of the application would set an undesirable precedent for similar applications in the "GB" and "AGR" zones, the cumulative impact of which would result in general degradation of the environment in the area.

- 4 Not in line with the planning intention of the “AGR” zone. There is no strong planning justification to merit a departure from such planning intention, even on a temporary basis;
- 5 Not compatible with the surrounding areas comprising mainly vegetated unused or wooded land
- 6 Not in line with the TPB PG-No. 13E 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;
- 7 Approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the environment.

**Similar s.16 Applications for Barbecue Area
within the same "AGR" Zone on the Ha Tsuen Fringe OZP**

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reasons</u>
1	A/YL-HT/491	Temporary Open-air Barbecue Area for a Period of 3 Years	"AGR"	22.6.2007	1-3

Rejected Reasons

1. Not in line with the planning intention of the "AGR" zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes;
2. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic impact on the surrounding areas;
3. Approval of the application would set an undesirable precedent for similar applications within the "AGR" zone. The cumulative effect of approving such similar applications would result in a proliferation of similar uses in the area and general degradation of the quality of agricultural land in the "AGR" zone.

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of the 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. The Site falls within “Fu Tei Au Site of Archaeological Interest” (AM 98-0910). The Site is accessible from Deep Bay Road through GL. His office does not guarantee any right-of-way over the GL to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owner(s) of the lot(s) without Short Term Waiver (STW) will need to apply to his Office for permitting the structures to be erected or to regularize any irregularities on Site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above 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;
- (c) 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, demolition and land filling) are to be carried out on 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 co-ordinator 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 application site under the BO. The two portions of the Site shall be considered as two separate sites and 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 of each individual site 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 Commissioner for Transport that sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads. The local track leading to the Site is not under Transport Department's (TD) purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (e) 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 Deep Bay Road;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department

that the applicant is required to submit details of proposed land filling works for consideration. Peripheral surface channels shall be provided along the site boundary to collect the surface runoff accrued on the Site and to intercept the overland flow from the adjacent lands. The applicant is required to 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). The relevant connection details should be provided for comment. In the case that local village drains are involved, District Officer/Yuen Long 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. 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. In the event that walls or hoarding erected are laid 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;

- (g) to note the comments of the Director of Environmental Protection that the applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP to minimize potential environmental nuisance to the surrounding area;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) that approval of the section 16 application by the TPB does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. Applicant is reminded to approach relevant authority / government department(s) direct to obtain the necessary approval on tree works;
- (i) 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. In addition, the applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. However, 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;
- (j) to note the comments of the Antiquities and Monuments Office (AMO) the applicant is required to inform AMO immediately if antiquities or supposed antiquities are discovered within the Site for the applied use; and
- (k) 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 and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from the such activity / operation, the applicant should arrange disposal properly at her own expenses. Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal

Services Ordinance (Cap. 132) and other relevant legislation for the public.