

Previous s.16 Application covering the Application Site

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reasons</u>
1	A/YL-HT/290	Pond filling for Agriculture use (fruit trees, flowers nursery & vegetables cultivation)	21.3.2003	1, 2
2	A/YL-HT/310	Planting fruit trees, flowers nursery & vegetables cultivation after Pond filling	25.7.2003	1-5
3	A/YL-HT/317	Planting fruit trees, flowers nursery & vegetables cultivation after Pond filling	29.8.2003	1-5
4	A/YL-HT/805	Temporary Organic Farm with Ancillary Education and Activity Centre and Small-scale Barbecue Spot for a Period of 3 Years	4.1.2013 (TPB)	3-5

1. The proposal involved permanent filling of fish ponds which would result in significant loss of flood storage. No technical assessment had been submitted to demonstrate that the proposed development would not cause adverse drainage impact on the adjacent area.
2. Part of the site fell within the proposed resumption limit of the Hang Hau Tsuen Channel and Associated Works Phase I Project. Approval of the application would pose constraint to the implementation of the project.
3. Not in line with the planning intention of the "CPA" zone. There was insufficient information in the submission to justify a departure from the planning intention.
4. There was insufficient information in the submission to demonstrate that there would be no adverse landscape impact on the surrounding area.
5. The approval of the application would set an undesirable precedent for similar applications within the "CPA" zone, the cumulative effect of which would result in a general degradation of the ecological value of the area.

**Similar s.16 Applications for Temporary Place of Recreation, Sports or Culture
(Hobby Farm) within the same “CPA” Zone on the Ha Tsuen Fringe OZP**

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 Conditions</u>
1.	A/YL-HT/838	Proposed Temporary Place of Recreation, Sports or Culture (Fishing Ground) and Ancillary Refreshment Kiosk for a Period of 3 Years	“CPA”	15.3.2013	1-4, 6, 7, 12-15, 17-18
2.	A/YL-HT/991	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	“CPA”	8.4.2016 (Revoked on 8.10.2017)	1-15
3.	A/YL-HT/1010	Temporary Place of Recreation, Sports or Culture (Fishing Ground) and Ancillary Refreshment Kiosk for a Period of 3 Years	“CPA”	18.3.2016	1-4, 6, 7, 9, 11-15, 17, 19, 20
4.	A/YL-HT/1094	Temporary Place of Recreation, Sports or Culture (Fishing Ground) and Ancillary Refreshment Kiosk for a Period of 3 Years	“CPA”	22.3.2019	1-4, 7, 9, 11, 14-16, 19
5.	A/YL-HT/1097	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	“CPA”	20.9.2019	1-3, 7, 9-11, 14, 15, 16

Approval Conditions

- 1 Revocation clauses.
- 2 Reinstatement clause.
- 3 No night time operation.
- 4 No land/pond filling or increase in site formation level.
- 5 A clearance of at least 1m from all the trees at the site.
- 6 No barbecue activity.
- 7 No public announcement system.
- 8 No public vehicle park.
- 9 No vehicle is allowed to queue back to or reverse onto/from the public road.
- 10 Implementation of the accepted drainage proposal.
- 11 Implemented drainage facilities shall be maintained at all times.
- 12 Submission of a tree preservation and landscape proposal.
- 13 Implementation of the tree preservation and landscape proposal.

- 14 Submission of a fire service installations proposal.
- 15 Implementation of the fire service installations proposal.
- 16 Maintain vegetation at the Site.
- 17 A clearance of at least 1.5m from the centerline of the existing water mains
- 18 Submission of drainage proposal/provision of the drainage facilities
- 19 Submission of condition record of existing drainage facilities

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments that the Site comprises six Old Schedule Agricultural Lots held under the Block Government Lease (Lots No. 223, 224 S.D, 225, 226, 227 and 228 all in D.D.128) and two New Grant Agricultural Lots both held under Tai Po New Grant No. 5560 (Lots No. 222 S.B and 222 RP both in D.D. 128) which contain the restriction that no structures are allowed to be erected without the prior approval of the Government. The Site falls within "Sha Kong Miu (North) Site of Archaeological Interest" (AM98-0924). The Site is accessible from Deep Bay Road through GL and private lot(s). His office provides no maintenance works over the GL involved and 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) 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 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 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 Building Authority should be obtained, otherwise they are 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 the prevailing 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 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. The Site does not abut on a specified street of not less than 4.5m wide and 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 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 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;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant is advised to ensure the operation of the proposed hobby farm and the associated visitors’ activities would not encroach on or affect the surrounding area in particular the pond to the northwest of the Site, as well as mangrove / mudflat habitat along the coast of Deep Bay. It is noted that goat keeping is proposed in the hobby farm. The Public Health (Animals and Birds) (Exhibitions) Regulations, Cap. 139F, regulates all persons who exhibit animals or birds in return for a fee paid by the public admitted to enter the venue for the exhibition. In this regard, the applicant will need to apply for a license if he or she is exhibiting the goats for a fee. Please refer to the following link for details of the regulations:
https://www.pets.gov.hk/english/animal_business/exhibition_licence.html#tab_03 On the contrary, no license is needed to keep goats in the New Territories areas. To combat nuisance, the applicant is advised to tend the goats all the time if the goats are roaming and free grazing;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the section 16 application by the Town Planning Board does not imply the approval of tree works such as felling/ transplanting or pruning under lease. Tree works applications should be submitted direct to relevant authority for approval if necessary.
- (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 Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the Site is at relatively low-lying area next to the coastline. The applicant should prepare himself/herself against possible seawater intrusion due to tidal effect and storm surge. 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 proposed to discharge the stormwater to the existing ponds to the north of the Site. He/she should identify the owner of the said ponds and obtain consent from the owner prior to commencement of the proposed works. 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 gradients and the sizes of the proposed U-channels should be shown on the drainage plan. 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 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;

- (k) to note the comments of the Antiquities and Monuments Office, Development Bureau (AMO, DEVB) the applicant is required to inform AMO immediately if antiquities or supposed antiquities are discovered within the Site for the applied use.