

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-LFS/39	Recreational Uses including Barbecue Spot, Playground, Refreshment Kiosk, Visitor Centre, Public Car Park & Ancillary Uses	GB, V	14.5.1999	1, 2, 3, 4, 5, 8
2.	A/YL-LFS/74	Proposed Extension to the Greenfield Garden (including Flea Market for Green/Environmentally Friendly Products) for a Period of 3 Years	GB	8.3.2002 (On review)	1, 2, 6, 7, 8

Approval Conditions

1. The submission and implementation of landscaping proposal.
2. The provision of drainage facilities.
3. The provision of sewage treatment and disposal facilities.
4. The provision of emergency vehicular access and fire safety facilities.
5. The submission and implementation of the layout of the car park.
6. The submission of fire services installations (FSIs) proposal and the provision of FSIs.
7. Revocation clause.
8. Reinstatement clause.

**Similar s.16 Applications for Public Vehicle Park Uses
within the same “GB” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-LFS/56	Proposed Recreational Development including Garden, Fishing Ground, Barbecue Spot, Refreshment Kiosk, Public Car Park with Ancillary Facilities	GB	28.7.2000	1, 2, 3, 11
2.	A/YL-LFS/86	Refreshment Kiosk and Car Park for a period of 3 years	GB	14.6.2002	12
3.	A/YL-LFS/135	Temporary Refreshment Kiosk and Car Park for a Period of 3 Years	GB	4.11.2005 (On review) (Revoked on 20.12.2005)	4, 5, 6, 7, 8, 9, 10, 11, 12

Approval Conditions

1. The submission and implementation of landscaping proposal.
2. The provision of drainage facilities.
3. The provision of sewerage impact assessment.
4. No night time operation between 11pm to 7am.
5. No overnight accommodation including the erection of Mongolian tents on site.
6. No additional structures other than those shown on the layout plan submitted by the applicant on 3.6.2005 were allowed to be erected on site.
7. Maintenance of the drainage facilities on site.
8. Maintenance of the landscape planting on site.
9. The submission and implementation of compensatory planting proposal.
10. The submission and implementation of vehicular access arrangement proposal.
11. Revocation clauses.
12. Reinstatement clause.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1.	A/YL-LFS/24	Temporary Container Trailer Park for a Period of 12 Months	GB, R(C)	26.6.1998 (On review)	1, 2, 3
2.	A/YL-LFS/50	Temporary Car, Lorry and Bulldozer Park for 12 Months	GB, V	14.4.2000	3, 4, 5, 6, 7
3.	A/YL-LFS/118	Temporary Vehicle (Private Cars & Light Goods Vehicles) Park for a Period of 3 Years	GB	21.11.2003	3, 8, 9, 10

Rejection Reasons

1. The subject development is not compatible with the adjoining village developments, the nearest of which is less than 50 m away.
2. There is insufficient information in the submission to demonstrate that the development would have no adverse environmental, drainage and traffic impacts on the area.
3. The approval of the application would set an undesirable precedent for other similar applications, the cumulative effect of which would cause further degradation of the environment in the area.
4. The development is not in line with the planning intention of the "V" zone which is to designate both existing recognised villages and areas of land considered suitable for village expansion. There is no strong justification in the submission for a departure from the planning intention even on a temporary basis.
5. The proposed development is not compatible with the rural character of the surrounding areas comprising vegetated hill-slopes and village settlements.
6. Deep Bay Road has no spare capacity to allow further proliferation of open storage activities. There is no information in the submission to demonstrate that the access arrangement of the proposed development is adequate.
7. There is no information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas and the residential buildings in its vicinity.
8. The proposed development was not in line with the planning intention of the "GB" zone which was primarily to define the limits of urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets.
9. The development did not comply with the revised Town Planning Board Guidelines for "Application for Developments within Deep Bay Area" in that there was insufficient information in the submission to demonstrate that the development would not have adverse disturbance impacts on the ecological integrity and ecological values of the adjoining fish ponds as well as those within the Deep Bay area.
10. There was no information in the submission to demonstrate that the proposed development would not have adverse drainage, traffic and landscape impacts on the surrounding area.

Detailed Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

The CE/MN, DSD has the following comments on the submitted drainage proposal:

- (a) Please clarify whether the stormwater intercepted by the peripheral surface channel will be discharged to the existing 1000mm UC (i.e. SU1006567) to the east of the Site.
- (b) The cover levels and invert levels of the proposed U-channels, catchpits/sand traps should be shown on the drainage plan.
- (c) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
- (d) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
- (e) Standard details should be provided to indicate the sectional details of the proposed U-channel and the catchpit/sand trap.
- (f) Where walls or hoarding are erected arc laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site.
- (g) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (h) The applicant should consult DLO/YL, LandsD 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.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development on the Site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) 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 from her office. The Site is accessible from Tin Wah Road through Government Land (GL). Her office provides no maintenance works for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owner(s) will need to apply to her office to permit the structures to be erected or regularize any irregularity 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. Applications 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 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;
- (d) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring spaces shall be provided within the Site. The local track leading to the Site is not under Transport Department's 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 the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Wah Road;
- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" (COP) issued by the Environmental Protection Department;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the submitted drainage proposal:
 - (i) Please clarify whether the stormwater intercepted by the peripheral surface channel will be discharged to the existing 1000mm UC (i.e. SU1006567) to the east of the Site;
 - (ii) The cover levels and invert levels of the proposed U-channels, catchpits/sand traps should be shown on the drainage plan;

- (iii) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given;
 - (iv) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities;
 - (v) Standard details should be provided to indicate the sectional details of the proposed U-channel and the catchpit/sand trap;
 - (vi) Where walls or hoarding are erected arc laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site;
 - (vii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc;
 - (viii) The applicant should consult DLO/YL, LandsD 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;
- (h) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (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 FSI to be installed should be clearly marked on the layout plans. 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 Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application by the Board does not imply the approval of tree works (such as felling/transplanting or pruning) and/or requirements under lease. Tree works applications should be submitted direct to DLO for approval;
- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant is advised to adopt appropriate measures to avoid causing disturbance or pollution to the pond to the northwest of the Site;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if 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 Building 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 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; and

- (1) 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. Proper licence/permit issued by FEHD 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. For any waste generated from such activity/operation, the applicant should arrange its disposal properly at his own expenses.