

**Previous Applications Covering the Site**

**Approved Applications**

<b><u>Application No.</u></b>	<b><u>Development/Use</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Approval Conditions</u></b>
A/YL-PN/18	Temporary Fishing Ground for a Period of 3 Years	1.8.2008	(1), (2), (3), (4) and (7)
A/YL-PN/34	Temporary Recreation Use (Fishing Ground) for a Period of 3 Years	6.1.2012	(1), (2), (4), (5), (6) and (7)
A/YL-PN/40	Renewal of Planning Approval for Temporary Recreation Use (Fishing Ground) for a Period of 3 Years	2.1.2015 (Revoked on 7.7.2015)	(1), (4), (5), (6), (7), (8) and (9)
A/YL-PN/42	Temporary Recreation Use (Fishing Ground) for a Period of 3 Years	8.5.2015	(1), (4), (5), (6), (7), (8) and (9)

**Approval Conditions**

- (1) Restriction on operation hours.
- (2) Submission and implementation of tree preservation and landscape proposal.
- (3) Submission and implementation of drainage proposal.
- (4) Submission and implementation of fire service installations proposal.
- (5) Maintenance of existing drainage facilities.
- (6) Submission of the condition record of the existing drainage facilities.
- (7) Revocation clause.
- (8) No vehicle is allowed to queue back or reverse onto/from public road.
- (9) Maintenance of existing trees.

**Similar Applications within the Same “CPA” Zone  
on the approved Sheung Pak Nai and Ha Pak Nai OZP No. S/YL-PN/9**

**Approved Applications**

<b><u>Application No.</u></b>	<b><u>Development/Use</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Approval Conditions</u></b>
A/YL-PN/9	Temporary Fishing Ground and Barbecue Spot for a Period of 3 Years	18.6.2004 (s.17)	(1), (5) to (7)
A/YL-PN/21	Temporary Fishing Ground for a Period of 3 Years	15.8.2008	(1) to (5)

**Approval Conditions**

- (1) Submission and implementation of landscape and tree preservation proposal.
- (2) Restriction on operation hours.
- (3) Submission and implementation of drainage proposal.
- (4) Provision of a 9-litre water type/3kg dry powder fire extinguisher.
- (5) Revocation clause.
- (6) No barbeque spot nor naked fire barbeque activity.
- (7) Setting back of the western boundary to exclude an existing footpath.

**Advisory Clauses**

- (a) to resolve any land issue 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 Lots Nos. 73 and 78 both in D.D.135 are new Grant Agricultural Lots which contain the restriction that no structures are allowed to be erected without the prior approval of the Government. The remaining lots in the Site are Old Schedule Agricultural Lots held under the Block Government Lease which contain the restriction that no structures are allowed to be erected without the prior approval of the government. No permission is given for occupation of government land (GL) (about 394 m<sup>2</sup> subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The private land of Lot No. 77 in D.D. 135 is covered by a Short Term Waiver (STW) No. 3691 to permit structures for the purpose of "Temporary Recreation Use (Fishing Ground)". The Site is accessible to Nim Wan Road direct. His Office does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. The STW holder will need to apply to his Office for modification of the STW conditions if there are any irregularities on Site and the lot owner(s) of the lots without STW will need to apply to his office for permit the structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. 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;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that as there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application. If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department (BD), they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. 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. Before any new Building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with 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;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that

the applicant is advised to adopt appropriate measures to prevent any disturbance or environmental hygiene problems that may affect the nearby fishponds and fish culture activities as well as the mudflat/mangroves during the operation of the proposed fishing ground;

- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within the Site;
- (f) 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 road/drains;
- (g) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised that the installation/maintenance/modification/repair work of the fire service installation (FSI) shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the Director of Fire Services. 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; and
- (h) 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/operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from such activities and operation, the applicant should arrange disposal properly at her own expenses. Proper licence/permit issued by his Department 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.