

Previous s.16 Applications Covering the Site

Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Zoning</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
1	A/YL-PN/49	“CPA”	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	24.11.2017	1, 2
2	A/YL-PN/53	“CPA”	Proposed Temporary Place of Recreation, Sports or Culture (Fishing Ground) for a Period of 3 Years	18.5.2018	1, 3

Rejection Reasons

- (1) The proposed development is not in line with the planning intention of the “CPA” zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.
- (2) Approval of the application would set an undesirable precedent for similar applications in the “CPA” zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment and landscape quality in the area.
- (3) The applicant fails to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding areas

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (c) to note the comments of 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 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 125m² subject to verification) included in the Site. The applicant's attention is drawn to the fact that the act of occupation of GL without Government's prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28 March 2017. The lot owner(s) of the lot without any Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on the Site, if any. 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. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. 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;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized 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 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 Site under the BO. Before any new building works (including containers / open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person 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 (B(P)R) 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 B(P)R at the building plan submission stage. If the proposed use under application is subject to issue of a licence, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (e) to note the comments of the Commissioner for Transport that the applicant shall remind visitors to use public transport services for accessing the Site;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that if the proposed access arrangement is agreed by the Transport Department (TD), a proper run-in/out or road connection to Nim Wan Road should be constructed to the satisfaction of TD and HyD. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains;
- (g) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (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 be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or licence is required under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively;
- (h) to note the comments of the Chief Officer (Licencing Authority), Office of the Licensing Authority, Home Affairs Department (CO(LA), OLA, HAD) that for the temporary caravan holiday camp with provision of short-term sleeping accommodation at a fee, a guesthouse licence under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (the "HAGAO") must be obtained before operation. Applicant is strongly advised to observe the "General Licensing Conditions for Caravan Camp Site providing short-term sleeping accommodation" and "A Guide to Licence Applications for Guesthouse (Holiday Camp) – Caravan Camp Site under the HAGAO" ("the Guide") available in the website of the OLA. Particular attention should be drawn to the requirements of site location as set out in the Guide. Detailed licensing requirements will be formulated upon receipt of application under the HAGAO;
- (i) to note the comments of the 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; and
- (j) 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 business, the applicant should arrange disposal properly at her own expenses; and 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.