

Previous s.16 Applications covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-LFS/10	Pond Filling for Agricultural Use (Fruit Tree Plantation)	GB	23.8.1996 by RNTPC	1, 2
2	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 by RNTPC	3, 4, 5, 6
3	A/YL-LFS/172	Proposed Recreational Development (Including Barbecue Spot, Refreshment Kiosk, Hobby Farming, Fishing Ground, Children Playground and Ancillary Public Car Park)	GB & O	7.3.2008 by RNTPC	2, 5, 6, 7, 8

Approval conditions:

1. The provision of detailed information on the sources of fill materials and types of bunds used for the pond filling.
2. The submission and implementation of landscaping and tree preservation proposals.
3. The provision of drainage facilities.
4. The provision of sewerage impact assessment.
5. No public vehicle parking was allowed on the site at any time during the planning approval period.
6. The submission of a Drainage Impact Assessment (DIA) and implementation and maintenance of the flood mitigation measures/provision of stormwater drainage facilities identified in the DIA.
7. The submission and implementation of fire service installations proposals.
8. The submission and implementation of paving proposal.

**Similar s.16 Applications for Recreational Use
within the same “Green Belt” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning</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 by RNTPC	1, 2, 4, 5 & 7
2	A/YL-LFS/63	Barbecue Spot and Refreshment Kiosk with Ancillary Car Park	GB	11.5.2001 by TPB (1 year)	1, 2, 4, & 8
3	A/YL-LFS/86	Temporary Refreshment Kiosk and Car Park (3 years)	GB	14.6.2002 by RNTPC (3 years)	8
4	A/YL-LFS/135	Temporary Refreshment Kiosk and Car Park (3 Years)	GB	4.11.2005 by TPB (3 years) (Revoked on 20.12.2005)	8, 9, 10, 11, 12, 13, 14 & 15
5	A/YL-LFS/166	Temporary Hobby Farming (Organic Farm and Education Centre) (3 Years)	GB	14.12.2007 by RNTPC (3 years) (Revoked on 20.12.2005)	1, 3, 6, 12, 16, 17 & 18
6	A/YL-LFS/278	Temporary Place of Recreation, Sports or Culture (Hobby Farm) (3 Years)	GB	20.11.2015 by RNTPC (3 years) (Revoked on 27.1.2016)	2, 6, 8, 9, 17, 19, 20, 21,

Approval conditions:

1. The submission and implementation of landscaping proposals within 3/9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board.
2. The submission and provision of drainage facilities within 6/9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board.
3. The submission of a Drainage Impact Assessment and provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board.
4. The submission and provision of sewage treatment and disposal facilities within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.
5. The provision of emergency vehicular access and fire safety facilities within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board.
6. The provision of fire services facilities within 6/9 months from the date of planning approval to the satisfaction of the Director of Fire Services Department or of the Town Planning Board
7. The submission and implementation of the layout of the car park within 9 months from the date of

planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board.

8. The reinstatement of the application site to an amenity area.
9. no night time operation between 11pm to 7am was allowed on the site.
10. no overnight accommodation including the erection of Mongolian tents was allowed on site.
11. no additional structures other than those shown on the layout plan submitted by the applicant were allowed to be erected on site.
12. the drainage facilities on the application site shall be maintained.
13. the landscape planting on the application site shall be maintained in good condition.
14. the submission and implementation of a compensatory planting proposal.
15. the submission and implementation of vehicular access arrangement proposal.
16. no public announcement system, loudspeaker or any form of audio amplification system was allowed to be used on the site at any time during the planning approval period.
17. no public vehicle park was allowed on the site at any time during the planning approval period.
18. no vehicle, except private cars and coaches ancillary to the activities of the proposed development, was allowed to be parked on the designated ancillary car park at any time during the planning approval period.
19. No land filling or increase in site formation level is allowed on the site.
20. no vehicle is allowed to queue back to public road or reverse onto/from the public road.
21. The submission and implementation of the tree preservation and landscape proposal.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zonin g</u>	<u>Date of Consideratio n (RNTPC/TP B)</u>	<u>Rejectio n Reasons</u>
1	A/YL-LFS/31	Pond Filling and Development of Golf Driving Range with Ancillary Private Club, Conservation and Recreation Facilities	GB	18.12.1998 by TPB	1, 2, 3,4, 5
2	A/YL-LFS/127	Temporary Proposed Temporary Roller Skating Rink (3 Years)	GB	17.6.2005 by TPB	6,7
3	A/YL-LFS/302	Temporary Place of Recreation, Sports or Culture (Hobby Farm and Fishing Ground)	GB	8.12.2017 by RNTPC	1, 6

Rejection Reasons

1. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone for the area 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 outlet. There was a general presumption against development within this zone. No strong justification was given in the submission for a departure from the planning intention.
2. There was insufficient information in the submission to demonstrate that the proposed development would not have significant environmental, drainage and flooding impacts on the surrounding areas.
3. The proposed vehicular access arrangement for the proposed development was not acceptable.
4. There was insufficient information in the submission to explain why land in “Recreation” zone of the Outline Zoning Plan could not be made available for the proposed development.
5. Approval of this application would set an undesirable precedent for similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.
6. The development does not comply with the Town Planning Board Guidelines for “Application for Development within Green Belt Zone” in that the proposed development involved extensive clearance of natural vegetation cover or affecting the natural landscape
7. There was insufficient information in the submission to demonstrate that the development would not have adverse traffic, drainage and landscape impacts on the surrounding areas.

Detailed comments of concerned Government departments

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

- (a) It was mentioned in Section 1.8 of the Drainage Assessment that there is an existing 2m(W) x 2m(D) natural drain to the near west of the application site. The applicant should indicate this natural drain on the drainage plan (i.e. Figure 5) and explain whether its flow will be affected due to the proposed development.
- (b) Further to (i) above, mitigation measures should be proposed for comment if adverse drainage impact is identified.
- (c) The existing drainage facilities to which the applicant proposed to discharge the stormwater from the subject site and the full alignment of the discharge path should be indicated on plan. The relevant connection details should be provided for comments. In the case that local village drains are involved, DO/YL should be consulted.
- (d) The proposal should indicate how the runoff (the flow direction) within the site would be discharged to the proposed u-channel.
- (e) Consideration should be given to provide grating for the surface channels.
- (f) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
- (g) Peripheral channels should be constructed at suitable positions/levels such that overland flow can be effectively intercepted. Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given.
- (h) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
- (i) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
- (j) 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.
- (k) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (l) 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.

Detailed comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD)

- (a) The extent of arable area is not yet indicated on plan. Presumably there would be areas such as designated footpaths for people to traverse within the proposed hobby farm, else the crops and/or arable area would be compacted by the pedestrian traffic. Hence the feasibility of the submitted landscape proposal is in doubt.
- (b) With reference to Figure 8, the Applicant may wish to refer to the relevant safety guidelines for children play area and propose finishes and paving as appropriate to ensure a safe playing environment.
- (c) The location of the proposed climbers and bamboo appears to be outside the application boundary which is not acceptable from the landscape planning perspective, furthermore the Applicant should note that the submitted section does not tally with the current plan.
- (d) The tree locations are not clearly indicated on plan. The Applicant shall refer to Appendix II of LAO PN 7/2007 for the standard and what is expected of a tree survey plan.
- (e) The methodology of the tree survey report appears to be inconsistent with the current standard of measuring DBH which is at 1.3m from the ground level. The Applicant may wish to refer to the Practice Note “Measurement of Diameter at Breast Height (DBH) 樹木胸徑的測量方法” (Chinese Version: http://www.afcd.gov.hk/tc_chi/conservation/con_tech/files/common/NCPN_No.02_dbh_chi_ver.2006.pdf) published by the AFCD. Hence the accuracy of the tree survey is in doubt.
- (f) Noted that the Applicant has indicated a tree preservation zone much larger than the location of the existing trees. However the Applicant has not demonstrated the landscape treatment and function of the western portion of the tree preservation zone currently with no existing trees.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long of 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 structure are allowed to be erected without the prior approval of the Government. No permission is given for occupation of Government land (GL) of about 200m² in area (subject to verification) included in the Site. The Site is accessible to Tin Wah Road through GL only. LandsD provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owners will need to apply to her office to permit the structures to be erected or regularize any irregularity on site. Besides, 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 will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium fee, as may be imposed by LandsD.
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant should implement the environmental measures proposed in para. 2.3 and peripheral drainage system in Figure 5 of the Supplementary Planning Statement; and follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' (COP) issued by the Environmental Protection Department.
- (d) to note the comments of the Director of Fire Services (D of FS) that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The EVA provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department.
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories of Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces should be provided within the Site. The local track leading to the Site is not under TD'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.
- (f) to note the comments of the Chief Highway Engineer/New Territories West of 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 and drains. HyD shall not be responsible for the

maintenance of any access connecting the Site and nearby Tin Wah Road.

- (g) to note the comments of the Chief Building Surveyor/New Territories West of 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 BD, 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 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 Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If the proposed use under application is subject to issue of a license, the applicant is 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. 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) Regulation at the building plan submission stage.
- (h) to note the comments of the Director of Food and Environmental Hygiene (DFEH):
- (i) He has no comment on the application provided that no Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance and obstruction to the surrounding. Also, for any waste generated from the commercial/trading activities, the applicant should arrange its disposal properly at their own expenses.
- (ii) Proper licence / permit issued by FEHD is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. If the operator intends to operate a restaurant business in the territory, a general restaurant/light refreshment restaurant licence should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). The application for restaurant licence, if acceptable by FEHD, will be referred to relevant government departments, such as BD, Fire Services Department, Planning Department, LandsD (if necessary) for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements. For the operation of other types of food business, relevant food licences should also be obtained from FEHD in accordance with Cap. 132. Under the

Food Business Regulation, Cap. 132X, a Food Factory Licence must be obtained from FEHD for food business which involves the preparation of food for sale for human consumption off the premises before commencement of such business. Besides, a Fresh Provision Shop licence is required for any person who intends to sell fresh, chilled or frozen beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry at any premises before commencement of such business. The application for Food Factory Licence / Fresh Provision Shop Licence, if acceptable by FEHD, will be referred to relevant government departments, such as Planning Department, LandsD (if necessary) for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements. This department will institute legal action against any person who operates a food business without a valid licence.

- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):
- (i) The extent of arable area is not yet indicated on plan. Presumably there would be areas such as designated footpaths for people to traverse within the proposed hobby farm, else the crops and/or arable area would be compacted by the pedestrian traffic. Hence the feasibility of the submitted landscape proposal is in doubt.
 - (ii) With reference to Figure 8, the applicant may wish to refer to the relevant safety guidelines for children play area and propose finishes and paving as appropriate to ensure a safe playing environment.
 - (iii) The location of the proposed climbers and bamboo appears to be outside the application boundary which is not acceptable from the landscape planning perspective, furthermore the applicant should note that the submitted section does not tally with the current plan.
 - (iv) The tree locations are not clearly indicated on plan. The applicant shall refer to Appendix II of LAO PN 7/2007 for the standard and what is expected of a tree survey plan.
 - (v) The methodology of the tree survey report appears to be inconsistent with the current standard of measuring DBH which is at 1.3m from the ground level. The applicant may wish to refer to the Practice Note "Measurement of Diameter at Breast Height (DBH) 樹木胸徑的測量方法" (Chinese Version: http://www.afcd.gov.hk/tc_chi/conservation/con_tech/files/common/NC_PN_No.02_dbh_chi_ver.2006.pdf) published by the AFCD. Hence the accuracy of the tree survey is in doubt.
 - (vi) Noted that the applicant has indicated a tree preservation zone much larger than the location of the existing trees. However the applicant has not demonstrated the landscape treatment and function of the western portion of the tree preservation zone currently with no existing trees.
 - (vii) Approval of the landscape proposal under the application or approval

condition does not imply approval of tree works such as felling/transplanting or pruning under lease. Any proposed tree preservation/removal scheme involving trees outside site in particular, the applicant shall be reminded to approach relevant authority/government department(s) direct to obtain the necessary approval.

- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
- (i) It was mentioned in Section 1.8 of the Drainage Assessment that there is an existing 2m(W) x 2m(D) natural drain to the near west of the Site. The applicant should indicate this natural drain on the drainage plan (i.e. Figure 5) and explain whether its flow will be affected due to the proposed development.
 - (ii) Further to (i) above, mitigation measures should be proposed for comment if adverse drainage impact is identified.
 - (iii) The existing drainage facilities to which the applicant proposed to discharge the stormwater from the Site and the full alignment of the discharge path should be indicated on plan. The relevant connection details should be provided for comments. In the case that local village drains are involved, DO/YL should be consulted.
 - (iv) The proposal should indicate how the runoff (the flow direction) within the Site would be discharged to the proposed u-channel.
 - (v) Consideration should be given to provide grating for the surface channels.
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 - (vii) Peripheral channels should be constructed at suitable positions/levels such that overland flow can be effectively intercepted. Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
 - (viii) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
 - (ix) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
 - (x) 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.
 - (xi) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
 - (xii) 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.