

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1.	A/DPA/YL-PH/11	Temporary Horse Riding School for a Period of 3 Years	4.12.1992	1, 2, 3, 13, 14, 15
2.	A/YL-PH/36	Low-rise, Low-density Residential Development	10.5.1996 (lapsed on 10.5.2002)	1, 2, 3
3.	A/YL-PH/141	Temporary Horse Riding School for a Period of 12 Months	21.11.1997	9
4.	A/YL-PH/337	Temporary Horse Riding School for a Period of 3 Years	25.8.2000 (revoked on 25.11.2001)	1, 2, 8, 9
5.	A/YL-PH/414	Temporary Horse Riding School for a Period of 3 Years	22.11.2002 (revoked on 22.4.2004)	1, 2, 8, 9
6.	A/YL-PH/428	Proposed Houses	25.4.2003 (lapsed on 25.4.2007)	1, 2, 3, 4
7.	A/YL-PH/475	Low-rise Residential Development	19.11.2004 (lapsed on 19.11.2008)	1, 2, 3, 4
8.	A/YL-PH/502	Proposed Low-rise Residential Development (Amendments to a Development Scheme Previously Approved under Application No. A/YL-PH/475)	23.9.2005 (lapsed on 23.9.2013)	1, 2, 4, 5
9.	A/YL-PH/679	Proposed Houses	12.9.2014 (lapsed on 12.9.2018)	1, 2, 4, 5
10.	A/YL-PH/784	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	15.6.2018	1, 2, 6, 7, 8, 9, 10, 11, 12

Approval Conditions:

1. submission and implementation of landscaping proposals/ transplanting proposal/ tree survey report/ tree preservation scheme/ master landscape plan

2. submission and/or implementation of drainage proposal/ drainage impact assessment/ design and provision of drainage facilities
3. the permission shall cease to have effect on specified date unless prior to the said date either the development hereby permitted is commenced or this permission is renewed
4. submission and/or provision of emergency vehicular access, water supplies for fire fighting and fire service installations
5. design and provision of vehicular access arrangement
6. submission and implementation of fire service installations proposal
7. maintenance of the drainage facilities implemented on-site
8. if any of the planning conditions is not complied with during the approval period/by the specified dates, the approval given shall cease to have effect and shall immediately/on the same date be revoked without further notice
9. reinstatement of the application site upon the expiry of the planning permission
10. restriction on operation hours
11. no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site
12. no vehicle is allowed to queue back to or reverse onto/from public road
13. provision of vehicular ingress and egress points
14. provision of sewage treatment and effluent disposal facilities
15. provision of a 6m emergency vehicular access with standard street fire hydrants

Rejected Application

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1.	A/DPA/YL-PH/9	Private Residential Development	14.8.1992	1, 2, 3, 4, 5, 6,

Rejection Reasons

1. The configuration of the application site is irregular and might impose undesirable constraint to the future planning and development of the surrounding areas.
2. There was insufficient information in the submission to demonstrate that the proposed development would have minimal adverse impact on the surrounding area.
3. No information on drainage impact of the proposed development has been submitted and the discharge of surface run-off has not been addressed.
4. No information on sewage treatment and disposal has been provided in the submission.
5. The proposed development is subject to traffic noise from Fan Kam Road and no mitigation measures have been proposed in the submission.
6. Water supply problem to the proposed development has not been addressed in the submission.

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site comprises Government Land, formerly known as Lot No. 77 RP in D.D. 108, and 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 of the Government. The former Lot No. 77 RP in D.D. 108 ("the ex-lot") was re-entered by the Government on 11.12.2018 and an instrument of re-entry was registered against Lot No. 77 RP in D.D. 108 at the Land Registry on 11.12.2018. In accordance with Section 8 of Cap. 126 Government Rights (Re-entry and Vesting Remedies) Ordinance, the former owner of the ex-lot may petition to the Chief Executive or apply to the court for relief against re-entry within six months from the registration of the memorial of re-entry, i.e. within six months from 11.12.2018. No permission is given for occupation of the Government Land (about 280m² subject to verification) included in the Site. Attention is drawn to the fact that any occupation of Government Land without Government's prior approval is not allowed. The applicant has to exclude the Government Land portion from the Site. Besides, the proposed structures, if any, should entirely be on the private lots only and the lot(s) owner(s) will need to apply to his office to permit the structures to be erected on site. However, there is no guarantee that such application will be approved. The Site is accessible from Fan Kam Road via Government Land. His office provides no maintenance work for the Government Land involved and does not guarantee any right-of-way over the Government Land to the Site;
- (b) note C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) note CHE/NTW, HyD's comments that if the access arrangement is agreed by TD, the applicant should provide a run in / out at the access point at Fan Kam Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. The run-in/out of the Site is proposed to form on a HyD maintained slope feature no. 2SE-D/F72. As HyD is a works department responsible for the maintenance of the slope, the applicant is requested to seek LandsD's approval for the use and modification of the slope. Any modification of the slope or slope boundary shall be forwarded to the slope safety division of the Geotechnical Engineering Office (GEO), Civil Engineering and Development Department (CEDD) for updating. The applicant is required to clearly delineate the slope boundary / extent on the as-built drawing. Adequate precaution should be taken and extreme care should be exercised to avoid adversely affect the stability of the nearby slope features, cause settlement of nearby public roads and damage to any structures and installations including drainage system on slope. The applicant should be responsible for repairing such damaged items at their own cost and to HyD's satisfaction. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drainage. HyD does not and will not maintain the access connecting the Site and Fan Kam Road;

- (d) note DEP's comment 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" issued by the EPD to minimize any potential environmental nuisance and observe the requirements under the Water Pollution Control Ordinance if there is any effluent discharge from the proposed use. It is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures to prevent polluting the watercourse adjacent to the Site;
- (e) note CE/MN, DSD's comments that the submitted drainage proposal is not considered satisfactory as it is very preliminary and many essential information, such as cross sections of the channel, catchpit/sand trap details, general flow direction on plan, cross sections to illustrate the interface with adjacent lands, proposed connection with existing drainage facilities, checking of capacity of the proposed drainage system by simple runoff estimation, etc., are missing;
- (f) note D of FS' comments 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. 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. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) note DAFC's comments that there is a watercourse to the east of the Site. According to the drainage plan submitted by the applicant, surface run-off from the Site will be directly discharged to this watercourse. The applicant is advised to adopt necessary measures to prevent polluting the watercourse during operation; and
- (h) note CBS/NTW, BD's comments that 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 UBW. 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) Regulation 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.