

**Previous s.16 Application**

**Approved Applications**

<b>Application No.</b>	<b>Uses/Developments</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/YL-SK/229	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years	10/11/2017	A1-A9

**Approval Conditions**

- A1 No operation between 7:00 p.m. to 9:00 a.m.
- A2 No public announcement system, portable loudspeaker or audio amplification system is allowed to be used on the Site
- A3 The submission of tree preservation and landscape proposal
- A4 The implementation of tree preservation and landscape proposal
- A5 The submission of drainage proposal
- A6 The implementation of drainage proposal
- A7 The implemented drainage facilities on the Site shall be maintained at all times
- A8 The submission of fire service installation proposal
- A9 The provision of fire service installations



**Advisory Clauses**

- (a) to resolve any land issue relating to the applied development with the concerned owner(s) of the Site;
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
  - (i) the Site comprises Government land (GL) 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;
  - (ii) no permission is given for occupation of GL (about 90m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed;
  - (iii) the Site is accessible from Kam Sheung Road via GL and private land. DLO/YL, LandsD provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site;
  - (iv) the Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA; and
  - (v) the lot owner(s) will need to apply to DLO/YL, LandsD to permit the structure(s) to be erected or regularize any irregularities on Site. Besides, given the applied 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. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a direct grant STT for use of the Site. Applications for any of the above will be considered by LandsD acting in the capacity as 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 Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that HyD shall not be responsible for the maintenance of any access connecting the Site with Kam Sheung Road. Adequate drainage measures should be provided at the Site access to prevent surface water running from the Site to the nearby public roads or exclusive road drains.
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant should adopt the latest "Code of Practice on Handling the Environmental Aspects of

Temporary uses and Open Storage Sites” issued by his department to minimize any potential environmental nuisances. Adequate supporting infrastructure/facilities should be provided for proper collection, treatment and disposal of waste/wastewater generated from the applied use. If septic tank and soakaway system will be used, its design and construction should follow the requirements of EPD’s Practice Note for Professional Persons (ProPECC PN) No. 5/93 “Drainage Plans Subject to Comment by EPD”.

- (f) to note the comments of the the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the submitted drainage proposal that:
- (i) the flow direction indicated that it would flow to the two sides (i.e. adjacent lots). Please demonstrate how the surface runoff can be properly intercepted without drainage facilities along the eastern and western side;
  - (ii) the invert levels of the proposed catchpits should be shown on the drainage plan for reference;
  - (iii) the existing drainage facilities, to which the stormwater of the development from the Site would discharge, should be indicated on plan. The relevant connection details should be provided for comment;
  - (iv) the applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the development;
  - (v) the location and details of any proposed hoarding/peripheral wall should be shown on the proposed drainage plan and show that overland flow would not be obstructed;
  - (vi) cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given;
  - (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.
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
- (i) existing raw water mains within/near the Site will be affected. A Waterworks Reserve within 5m from the centerline of the water mains (**Plan A-2**) should be provided to WSD. No structure shall be erected over the Waterworks Reserve and such area shall not be used for storage of car-parking purpose;
  - (ii) the Water Authority and his officer and contractors, his or their workmen shall have free access at all time to the said area with necessary plant and vehicles for the purpose of construction, inspection, operation, maintenance and repair works. All other services across, through or under the Waterworks Reserve are required to seek authorization from the Water Authority;

- (iii) no trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main;
  - (iv) no vehicle shall cross or run on the existing raw water main; and
  - (v) the Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) 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 unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application;
  - (ii) for UBW erected on leased land, enforcement action may be taken by 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;
  - (iii) 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 BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
  - (iv) 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; and
  - (v) 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 B(P)R at the building plan submission stage.
- (i) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised that the installation/ maintenance/ modification/ repair works of fire service installations (FSIs) shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall issue a certificate (FS 251) to the person who instructs to undertake the works and forward a copy of the certificate to the D of FS after completion of the installation/ maintenance/ modification/ repair works. Besides, the applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

