

**Previous s.16 Application**

**Rejected Application**

	<b>Application No.</b>	<b>Use(s)/Development(s)</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
1.	A/YL-SK/272	Proposed Temporary Barbecue Site with Ancillary Site Office, Shroff and Car Park for a Period of 3 Years	3.1.2020	R1 – R4

**Rejection Reasons:**

- R1. The proposed development is not in line with the planning intentions of the “Conservation Area” (“CA”) and “Residential (Group D)” (“R(D)”) zones, which are primarily to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development; and for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings respectively. There are no strong planning justifications in the submission to merit a departure from the planning intention of “CA” and “R(D)” zones, even on a temporary basis.
- R2. The proposed development is incompatible with the surrounding areas which are tranquil and predominantly rural in character intermixed with woodland, natural hillslope, fallow agricultural land and domestic dwellings/structures.
- R3. The applicant fails to demonstrate that the proposed development would not cause adverse environmental, landscape and traffic impacts to the surrounding area.
- R4. The approval of the application would set an undesirable precedent for similar applications within the “CA” zone. The cumulative effect of approving such similar applications would result in a general degradation of the rural environment of the area.

**Advisory Clauses**

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
- (i) the Site comprises an Old Schedule Agricultural Lot 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; and
  - (ii) the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as 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 rent or fee, as may be imposed by LandsD.
- (b) to note the comments of the Commissioner for Transport (C for T) that the Site is connected to the public road network via a local access road which is not managed by his department. The land status of that local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of that local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
- (i) Woolwich Road is not maintained by HyD;
  - (ii) HyD shall not be responsible for the maintenance of any access connecting the Site and Route Twisk; and
  - (iii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads or drains.
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that landfilling and temporary structures were observed at the southern part of the Site, which may be a case of “destroy first, develop later” that should not be encouraged.
- (e) to note the comments of the Director of Environmental Protection (DEP) that:
- (i) noting that part of the Site is located within “CA” zone, the applicant is reminded that all projects including new access roads, railways, sewers, sewage treatment facilities, earthworks, dredging works and other building works partly or wholly in a conservation area is a designated project (DP) under Item Q.1, Schedule 2 Part I of the Environmental Impact Assessment (EIA) Ordinance, except those listed under

Items Q.1(a) to (j)<sup>1</sup>. An environmental permit (EP) is required for the construction and/or operation of a DP. There is no valid EP issued in relation to the proposed use at the Site; and

- (ii) the applicant is also reminded that effluent discharges from the proposed development are subject to control under the Water Pollution Control Ordinance. It is the obligation of the applicant to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures to prevent polluting the watercourse adjacent to the Site.
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that a natural stream runs through the southern part of the Site from east to west (**Plan A-2**). Appropriate treatment of the existing stream is necessary to minimize the potential adverse impact to the landscape resources arising from the proposed development.
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the submitted drainage proposal that:
  - (i) the invert levels of the proposed catchpits should be shown on the drainage plan for reference;
  - (ii) the existing drainage facilities, to which the stormwater of the development from the proposed CP9 would discharge, should be indicated on plan;
  - (iii) the existing drainage facilities, to which the stormwater of the development from the Site would discharge, are not maintained by his office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposal works. In the case that it is a local village drains, District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD) should be consulted;
  - (iv) the applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the development;

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<sup>1</sup> Items Q.1(a) to (j) include:

- (a) minor maintenance works to roads, drainage, slopes and utilities;
- (b) minor public utility works including the installation of telecommunication wires, joint boxes, power lines with a voltage level of not more than 66 kV, and gas pipelines with a diameter of 120 mm or less;
- (c) education and recreational facilities not otherwise designated projects listed in Parts A to P and approved by the Country and Marine Parks Authority;
- (d) all earthworks relating to forestry, agriculture, fisheries and the management of vegetation;
- (e) New Territories Exempted Houses;
- (f) footpaths and facilities relating to sitting out areas;
- (g) minor facilities relating to the management and protection of marine parks, marine reserves, country parks and special areas;
- (h) all works not otherwise designated projects listed in Parts A to P undertaken by the Country and Marine Parks Authority under section 4 of the Country Parks Ordinance (Cap. 208) or section 4 of the Marine Parks Ordinance (Cap. 476) for developing and managing country parks and special areas, marine parks and marine reserves;
- (i) maintenance of existing waterworks installations; and
- (j) minor works including improvements to catchwaters; or the provision of (A) water pipes and valves of diameter 450 mm or less; (B) water tanks; (C) hydrological stations and associated structures; and (D) village supply schemes.

- (v) the location and details (i.e. cross section) of the proposed hoarding/peripheral wall, if any, should be shown on the proposed drainage plan, and overland flow from adjacent area should not be obstructed;
  - (vi) the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and
  - (vii) 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.
- (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 approval of the BA, they are unauthorised 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 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 BO;
  - (iii) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW under BO. The development intensity of the separate sites shall be considered separately. An Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with BO;
  - (iv) the two sites shall be considered as two separate sites and 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;
  - (v) the two sites do 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 Building (Planning) Regulations at the building plan submission stage; and
  - (vi) detailed comments under BO will be provided at building plans submission stage.
- (i) to note the comments of the Director of Fire Services (D of FS) that:
- (i) in consideration of the design/nature of the proposal, fire service installations are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations 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 fire service installations to be installed should be clearly marked on the layout plans; and

- (ii) 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.