

**Similar S.16 Applications for Temporary Place of Recreation, Sports or Culture
within/partly within the “Agriculture” zone in the vicinity of the application site
in the Ping Che & Ta Kwu Ling Area**

Approved Application

| <u>Application No.</u> | <u>Uses/Developments</u> | <u>Date of Consideration</u> | <u>Approval Conditions</u> |
|-------------------------------|--|-------------------------------------|-----------------------------------|
| A/NE-TKL/598 | Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years | 19.10.2018 | A1 – A9 |

Approval Conditions

- A1 No operation between 5:00 p.m. and 9:00 a.m. daily was allowed
- A2 No use of public announcement system was allowed
- A3 The submission and implementation of traffic management measures
- A4 The submission and implementation of landscape proposal
- A5 The submission of drainage proposal
- A6 The provision of drainage facilities
- A7 The submission and implementation of proposals for water supplies for firefighting and fire service installations
- A8 Revocation clause
- A9 Reinstatement clause

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Office/North, Lands Department on the following:
- (i) The lots are Old Schedule lots held under the Block Government Lease (demised for agriculture use) without any guarantee of right of vehicular access. The applicants should make their own arrangement for acquiring access and the Government shall accept no responsibility in such arrangement;
 - (ii) the occupation boundary is larger than that of the application area. The occupation boundary also encroaches onto Lot No. 518 RP in D.D. 77;
 - (iii) according to the development schedule as proposed by the applicants, structures will be erected within the Site. If the planning application is approved, the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW) to cover the proposed structures on site. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office.
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that that section of Ng Chow Road leading to the Site is not maintained by his office;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that all the proposed drainage / sewage works should be constructed by the applicant / project proponent at their own cost. Application of the road excavation permit at Ng Chow Road from Highways Department or Lands Department is required under this case for making connection to the public sewer. Should the applicant has any queries on this matter, he is advised to seek comments from the relevant departments accordingly.
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department as follows:
- (i) the applicant should review if Ficus Microcarpa, which is a tree species with aggressive root system, is suitable for the Site with limited space as shown on the layout plan for the proposed development;
 - (ii) it is advised that the approval of the Landscape Proposal does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval; and
 - (iii) useful information published by the Greening, Landscape and Tree Management Section, Development Bureau on general tree maintenance and tree risk management is available for reference in the following links:

- Pictorial Guide for Tree Maintenance (護養樹木的簡易圖解):
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf
- Handbook on Tree Management (樹木管理手冊):
https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html
- Tree Risk Assessment and Management Arrangement (樹木風險評估及管理安排):
https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html
- Minimising Tree Risk (護養樹木 保障安全):
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf
- Pictorial Guide for Tree Maintenance to Reduce Tree Risk (減低樹木風險的樹木護養簡易圖解):
[http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

- (e) to note the comments of the Commissioner for Transport that the vehicular access via Ng Chow Road and the Government Land are not managed by his office, the applicant should seek comment from the responsible party and the vehicular access should not be less than 8m as suggested by the applicant;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) on the following:
- (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under this application;
 - (ii) before any new building works (including temporary buildings/structures and containers etc) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) if the proposed use under application is subject to the issue of a licence, 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;
 - (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)Rs) respectively; and
 - (v) if the Site does not abut 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)Rs at the building plan submission stage;

- (g) to note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. In addition, the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department;
- (h) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that for provision of water supply to the development, the applicants may need to extend the inside services to the nearest suitable Government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard;
- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation on the following that the applicants should be reminded to implement good site practice so as not to pollute the river nearby; and
- (j) to note the comments of Director of Environmental Protection (DEP) on the following:
 - (i) the applicants should follow the environmental mitigation measures as set out in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the DEP in order to minimise any possible environmental nuisances;
 - (ii) the applicants should undertake the wastewater handling methods as proposed under the application;
 - (iii) the applicants should adopt best management practice to avoid refuse and other pollution, including pesticides, from entering the surface runoff and the watercourse;
 - (iv) the applicants should be reminded that pesticides are prohibited substances that are not allowed in the effluent to inland waters according to the WPCO-TM. If pesticides may be used in the proposed development, mitigation measures must be in place to prevent it from entering the surface runoff; and
 - (v) as proposed by the applicants, all sewage generated from the Site should convey to public sewer along Ng Chow Road.