

**Previous s.16 Applications covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Approval Reasons</u></b>
1	A/YL-HT/838	Proposed Temporary Place of Recreation, Sports or Culture (Fishing Ground) and Ancillary Refreshment Kiosk for a Period of 3 Years	15.3.2013	1-5,9-13
2	A/YL-HT/1010	Temporary Place of Recreation, Sports or Culture (Fishing Ground) and Ancillary Refreshment Kiosk for a Period of 3 Years	18.3.2016	1-8, 10-13
3	A/YL-HTF/1094	Temporary Place of Recreation, Sports or Culture (Fishing Ground) and Ancillary Refreshment Kiosk for a Period of 3 Years	22.3.2019	1,3,4,6-8, 11,12,14

**Approval Condition(s)**

1. No night time operation.
2. No barbecue activity.
3. No public announcement system.
4. No filling of pond.
5. A clearance of at least 1.5m from the centerline of the existing water mains.
6. No vehicle is allowed to queue back to or reverse onto/from the public road.
7. Existing drainage facilities shall be maintained at all times.
8. The submission of a condition record of the existing drainage facilities.
9. The submission of a drainage proposal/provision of the drainage facilities.
10. The submission/implementation of the landscape proposal.
11. The submission/implementation of the fire service installations proposal.
12. Revocation clause.
13. Reinstatement clause.
14. All vegetation shall be maintained.

**Rejected Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejected Reasons</u></b>
1	A/YL-HT/805	Temporary Organic Farm with Ancillary Education and Acitivity Centre and Small-scale Barbecue Spot for a Period of 3 Years	4.1.2013 (TPB)	1-3

1. Not in line with the planning intention of the "CPA" zone. There was insufficient information in the submission to justify a departure from the planning intention.
2. There was insufficient information in the submission to demonstrate that there would be no adverse landscape impact on the surrounding area.

3. The approval of the application would set an undesirable precedent for similar applications within the "CPA" zone, the cumulative effect of which would result in a general degradation of the ecological value of the area.

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, 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 structures are allowed to be erected without the prior approval of the Government. Lot No. 221 in D.D. 128 is covered by a Short Term Waiver No. 4639 for temporary place of recreation, sports or culture (fishing ground) and ancillary refreshment kiosk. According to site inspection and survey record, it is noted that there are 8 squatter control surveyed structures involved in the Site for private residential, porch and kitchen uses. The STW holders will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of 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;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, 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 the Building Authority (BA), 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 BD to effect their removal in accordance with 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 the BO. 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 BA should be obtained, otherwise they are UBW under the BO. An Authorized Person should be appointed as the coordinator for the proposed works in accordance with 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) Regulations (B(P)R) respectively. 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;
- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the Site. The local track leading to the Site is not under Transport Department'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;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, 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 nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant shall follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP to minimize potential environmental nuisance to the surrounding area;

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the approval of the planning application by the Town Planning Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant shall approach relevant authority/government department(s) direct to obtain the necessary approval on tree work;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant shall ensure that the operation of the proposed shop and services and the associated visitors' activities would not encroach on or affect the surrounding area in particular the neighbouring pond to the north of the Site as well as mangrove/ mudflat habitat along the coast of Deep Bay;
- (i) to note the comments of the Antiquities and Monuments Office, Development Bureau (AMO, DEVB) that the applicant is required to inform AMO immediately if antiquities or supposed antiquities are discovered within the Site; and
- (j) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire services installations (FSIs) are anticipated to be required. Therefore, the applicant shall 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 FSIs 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 (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.