

Previous s.16 Applications covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-LFS/311	Temporary Place of Recreation, Sports or Culture (Hobby Farm) (3 Years)	GB	3.8.2018	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

Approval Conditions

1. No operation between 6:00p.m. and 9:00a.m. is allowed on the site.
2. Removal of the existing hard-paving on the site.
3. The provision of ingress/egress.
4. The provision of portable toilet.
5. No use of public announcement system.
6. The submission and implementation of revised drainage proposal.
7. Maintenance of the drainage facilities.
8. The submission and implementation of tree preservation and landscape proposal.
9. The submission and implementation of fire services installations (FSIs) proposal.
10. The provision of fencing with erection of the “no-entry” sign by the pond.
11. Revocation clauses.
12. Reinstatement clause.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason</u>
1.	A/YL-LFS/201	Pond Filling and Land Filling for Agricultural Use	GB	29.1.2010	1,2,3,4,5
2.	A/YL-LFS/252	Temporary Warehouse (Storage of Household Materials and Canned Food) (3 Years)	GB	11.10.2013 (reviewed on 14.2.2014)	1,2,5,6
3.	A/YL-LFS/302	Temporary Place of Recreation, Sports and Culture (Hobby Farm and Fishing Ground) (3 Years)	GB	8.12.2017	1,6

Rejection Reasons

1. The proposed development was not in line with the revised Town Planning Board Guidelines for Application for Development within the Green Belt under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that there was a general presumption against development (other than redevelopment) in “GB” zone, and the proposed development would have adverse landscape impacts on the surrounding area.
2. The proposed development was not in line with the revised Town Planning Board Guidelines for Application for Developments within Deep Bay Area (TPG PG-No. 12C) in that it would result in a net loss in wetland, both in terms of area and function, of the Wetland Buffer Area, and the proposed development would have adverse ecological impacts on the surrounding areas.

3. There was no information in the submission to demonstrate that the proposed pond filling and land filling would not have adverse drainage impact on the surrounding area and there was no proposal on drainage discharge.
4. There had been no previous approval for pond filling within the subject "GB" zone since the promulgation of the revised Town Planning Board Guidelines for Application for Developments within Deep Bay Area in April 1999.
5. Approval of the application would set an undesirable precedent and encourage similar applications within the zone, the cumulative effect of which would result in a general degradation of the drainage, environment and ecology in the area.
6. The development is not in line with the planning intention of the "Green Belt" zone, which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.
7. The applicant has not demonstrated that the proposed development would not have any adverse drainage and traffic impacts.

**Similar s.16 Applications for Temporary Place of Recreation, Sports or Culture Uses
within the Same “GB” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-LFS/166	Temporary Hobby Farming (Organic Farm and Education Centre) (3 Years)	GB	14.12.2007 (revoked on 14.9.2018)	1, 2, 3, 4, 5, 6, 7, 16, 17
2.	A/YL-LFS/172	Recreational Development (Including Barbecue Spot, Refreshment Kiosk, Hobby Farming, Fishing Ground, Children Playground and Ancillary Public Car Park)	GB & O(1)	7.3.2008	2, 4, 6, 7, 8
3.	A/YL-LFS/278	Temporary Place of Recreation, Sports or Culture (Hobby Farm) (3 Years)	GB	20.11.2015 (revoked on 8.1.2016)	2, 5, 6, 7, 9, 10, 11, 12, 13, 16, 17
4.	A/YL-LFS/304	Place of Recreation, Sports or Culture and Shop and Services (including Barbecue Spot, Refreshment Kiosk, Hobby Farming and Children Playground)	GB & O(1)	6.4.2018	1, 6, 7, 11, 12, 13, 14, 15, 16, 17

Approval Conditions

1. No use of public announcement system, loudspeaker or any form of audio amplification system.
2. No parking of public vehicle was allowed on the site at any time.
3. No vehicle, except private cars and coaches ancillary to the activities of the proposed development was allowed to be parked on the designated ancillary car park at any time.
4. The submission of the revised Drainage Impact Assessment.
5. The implementation and maintenance of the flood mitigation measures/provision of drainage facilities.
6. The submission and implementation of (revised) landscape and tree preservation proposal.
7. The submission and/or implementation of fire services installations.
8. The submission and implementation of paving proposal.
9. No land filling or increase in site formation level is allowed on the site.
- 10.No operation between 7:30p.m. and 9:00a.m. is allowed on the site.
- 11.No vehicle is allowed to queue back or reverse onto/from the public road at any time.
- 12.The provision of fencing.
- 13.The submission and implementation of (revised) drainage proposal.
- 14.No operation between 11:00p.m. and 11:00a.m. is allowed on the site.
- 15.Removal of the existing hard-paving on the site, except the refreshment kiosk, before operation of the proposal use.
- 16.Revocation clauses.
- 17.Reinstatement clause.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason</u>
1.	A/YL-LFS/31	Pond Filling and Development of Golf Driving Range with Ancillary Private Club, Conservation and Recreational Facilities	GB	18.12.1998 (on review)	1, 2, 3, 4, 5
2.	A/YL-LFS/127	Temporary Roller Skating Rink (3 Years)	GB	17.6.2005 (on review)	6, 7

Rejection Reasons

1. The proposed development at the applications site was not in line with the planning intention of the "Green Belt" ("GB") zone for the area which was primarily to define the limits of urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlet. There was a general presumption against development within this zone. No strong justification was given in the submission for a departure from the planning intention.
2. There was insufficient information in the submission to demonstrate that the proposed development would not have significant environmental, drainage, and flooding impacts on the surrounding areas.
3. The proposed vehicular access arrangement for the proposed development was not acceptable.
4. There was insufficient information in the submission to explain why land in "Recreation" ("REC") zone of the Outline Zoning Plan could not be made available for the proposed development.
5. Approval of this application would set an undesirable precedent for similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.
6. The development does not comply with the Town Planning Board Guidelines for "Application for Development within Green Belt Zone" in that the proposed development involved extensive clearance of natural vegetation cover.
7. There was insufficient information in the submission to demonstrate that the development would not have adverse traffic, drainage and landscape impacts on the surrounding areas.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development on the Site;
- (b) the planning permission is given to the development/use under application. It does not condone any other development/use which currently exists on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use not covered by the permission;
- (c) 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. No permission is given for occupation of Government Land (GL) of about 99.6m² in area (subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible from Tin Yuet Road through GL and private lots. Her office provides no maintenance work to the GL involved and does not guarantee any right-of-way to the Site. Her investigation revealed unauthorized structures had been erected at Lot No. 1564 RP in D.D. 129. This constitutes breach of the lease conditions of Block Government Lease under which the lot is held. Hence, her office issued warning letters to the respective registered owner(s) of the lot requiring rectification of the breach of lease conditions before a stipulated deadline. As the breach had not been rectified, her office has sent the aforesaid warning letters to the Land Registry for registration. Her office reserves the right to take necessary actions against the unauthorized structures. The lots owners will need to apply to her office to permit the structures to be erected or regularize any irregularity on site, if any. Also, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Besides, given the proposed use is temporary in nature, only application(s) for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) (NTEH) will be considered or allowed. 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;
- (d) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the applicant is requested to remove the previous temporary vehicular access to the satisfaction of HyD and TD. The applicant is also requested to reinstate the drainage channel at the northwest of the Site to the satisfaction of the relevant maintenance party/department. 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 Tin Yuet Road;

- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to provide septic tank in accordance with ProPECC Note 5/93 for sewage disposal and to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” (COP);
- (g) 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 NTEH) are erected on leased land without the approval of the BD, 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 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. Before any new building works (including containers/open sheds as temporary buildings 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 co-ordinator for the proposed building 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) 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;
- (h) to note the comments of the Director of Fire Services (D of FS) that 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. 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; and
- (i) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. For any waste generated from such activity / operation, the applicant should arrange disposal properly at their own expenses.